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ORATIONS

JOHN CURRAN

ORATIONS

FROM HOMER TO WILLIAM McKINLEY

EDITED BY

MAYO W. HAZELTINE, A.M.

ILLUSTRATED

IN TWENTY-FIVE VOLUMES

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ORATIONS

HANCOCK

JOHN HANCOCK, a distinguished American statesman, was born in the portion of Braintree, Massachusetts, now called Quincy, January 12, 1737, and died there, October 8, 1793. He was the son of the Reverend John Hancock of that town and inherited the business and fortune of his uncle, Thomas Hancock, in whose counting-room he was placed after his graduation at Harvard College. On one of his trips to England for his uncle, in 1760, he witnessed the coronation of George III. At twenty-nine he was a member of the General Court of the Province, and from his social position and strong personal convictions was early a person of much influence among the lovers of liberty. In 1770 he made an eloquent address at the funeral of those slain in "the Boston Massacre," and in 1774 was president of the Provincial Congress. His arrest and that of Samuel Adams was one of the objects of the English expedition to Concord in April, 1775, and both men were excepted from the general pardon offered by General Gage in the following June. From 1775 to 1777 he sat in the Continental Congress in Philadelphia, and his bold, dashing signature stands prominently forth among those of the signers of the Declaration of Independence. He was governor of Massachusetts, 1780-1785, and again from 1787 until his death, the two years intervening between his governorships being passed in the Continental Congress. Hancock was a sincere patriot and thoroughly devoted to securing the liberty of the colonies. When Washington was ordered by Congress to destroy Boston if necessary in order to dislodge the English troops, Hancock, although the largest property owner in the city, expressed his entire willingness to have the proposition carried out if it would benefit the cause.

ORATION ON THE BOSTON MASSACRE

DELIVERED MARCH 5, 1774

MEN, BRETHREN, FATHERS, AND FELLOW COUNTRYMEN,— The attentive gravity, the venerable appearance of this crowded audience; the dignity which I behold in the countenances of so many in this great assembly; the solemnity of the occasion upon which we have met together, joined to a consideration of the part I am to take in the important business of this day, fill me with an awe hitherto unknown, and heighten the sense which I have

ever had, of my unworthiness to fill this sacred desk. But, allured by the call of some of my respected fellow citizens, with whose request it is always my greatest pleasure to comply, I almost forgot my want of ability to perform what they required.

In this situation I find my only support in assuring myself that a generous people will not severely censure what they know was well intended, though its want of merit should prevent their being able to applaud it. And I pray that my sincere attachment to the interest of my country, and hearty detestation of every design formed against her liberties, may be admitted as some apology for my appearance in this place.

I have always, from my earliest youth, rejoiced in the felicity of my fellow men; and have ever considered it as the indispensable duty of every member of society to promote, as far as in him lies, the prosperity of every individual, but more especially of the community to which he belongs; and also, as a faithful subject of the state, to use his utmost endeavors to detect, and having detected, strenuously to oppose every traitorous plot which its enemies may devise for its destruction. Security to the persons and properties of the governed is so obviously the design and end of civil government that to attempt a logical proof of it would be like burning tapers at noonday to assist the sun in enlightening the world; and it cannot be either virtuous or honorable to attempt to support a government of which this is not the great and principal basis; and it is to the last degree vicious and infamous to attempt to support a government which manifestly tends to render the persons and properties of the governed insecure.

Some boast of being friends to government; I am a friend to righteous government, to a government founded upon the

principles of reason and justice; but I glory in publicly avowing my eternal enmity to tyranny. Is the present system, which the British administration have adopted for the government of the colonies, a righteous government — or is it tyranny? Here suffer me to ask (and would to heaven there could be an answer), what tenderness, what regard, respect or consideration has Great Britain shown, in their late transactions, for the security of the persons or properties of the inhabitants of the colonies? Or rather what have they omitted doing to destroy that security?

They have declared that they have ever had, and of right ought ever to have, full power to make laws of sufficient validity to bind the colonies in all cases whatever. They have exercised this pretended right by imposing a tax upon us without our consent; and lest we should show some reluctance at parting with our property her fleets and armies are sent to enforce their mad pretensions.

The town of Boston, ever faithful to the British crown, has been invested by a British fleet the troops of George III have crossed the wide Atlantic, not to engage an enemy, but to assist a band of traitors in trampling on the rights and liberties of his most loyal subjects in America — those rights and liberties which, as a father, he ought ever to regard, and as a king he is bound in honor to defend from violation, even at the risk of his own life.

Let not the history of the illustrious house of Brunswick inform posterity that a king descended from that glorious monarch, George II, once sent his British subjects to conquer and enslave his subjects in America. But be perpetual infamy entailed upon that villain who dared to advise his master to such execrable measures; for it was easy to foresee the consequences which so naturally followed upon sending

troops into America to enforce obedience to acts of the British Parliament which neither God nor man ever empowered them to make. It was reasonable to expect that troops who knew the errand they were sent upon would treat the people whom they were to subjugate with a cruelty and haughtiness which too often buries the honorable character of a soldier in the disgraceful name of an unfeeling ruffian. The troops, upon their first arrival, took possession of our senate house and pointed their cannon against the judgment hall, and even continued them there whilst the supreme court of judicature for this province was actually sitting to decide upon the lives and fortunes of the king's subjects. Our streets nightly resounded with the noise of riot and debauchery; our peaceful citizens were hourly exposed to shameful insults, and often felt the effects of their violence and outrage.

But this was not all: as though they thought it not enough to violate our civil rights they endeavored to deprive us of the enjoyment of our religious privileges; to vitiate our morals, and thereby render us deserving of destruction. Hence the rude din of arms which broke in upon your solemn devotions in your temples on that day hallowed by heaven and set apart by God himself for his peculiar worship. Hence impious oaths and blasphemies so often tortured your unaccustomed ear. Hence all the arts which idleness and luxury could invent were used to betray our youth of one sex into extravagance and effeminacy, and of the other, to infamy and ruin; and did they not succeed but too well? Did not a reverence for religion sensibly decay? Did not our infants almost learn to lisp out curses before they knew their horrid import? Did not our youth forget they were Americans, and regardless of the admonitions of the wise and aged servilely copy from their tyrants those vices which finally must over-

throw the empire of Great Britain? And must I be compelled to acknowledge that even the noblest, fairest part of the lower creation did not entirely escape the cursed snare? When virtue has once erected her throne within the female breast it is upon so solid a basis that nothing is able to expel the heavenly inhabitant. But have there not been some, few indeed, I hope, whose youth and inexperience have rendered them a prey to wretches whom, upon the least reflection, they would have despised and hated as foes to God and their country? I fear there have been some such unhappy instances, or why have I seen an honest father clothed with shame; or why a virtuous mother drowned in tears?

But I forbear, and come reluctantly to the transactions of that dismal night when in such quick succession we felt the extremes of grief, astonishment and rage; when heaven in anger, for a dreadful moment, suffered hell to take the reins; when Satan with his chosen band opened the sluices of New England's blood, and sacrilegiously polluted our land with the dead bodies of her guiltless sons!

Let this sad tale of death never be told without a tear: let not the heaving bosom cease to burn with a manly indignation at the barbarous story through the long tracts of future time: let every parent tell the shameful story to his listening children until tears of pity glisten in their eyes and boiling passions shake their tender frames; and whilst the anniversary of that ill-fated night is kept a jubilee in the grim court of pandemonium, let all America join in one common prayer to heaven that the inhuman, unprovoked murders of the 5th of March, 1770, planned by Hillsborough and a knot of treacherous knaves in Boston, and executed by the cruel hand of Preston and his sanguinary coadjutors, may ever stand on history without a parallel.

But what, my countrymen, withheld the ready arm of vengeance from executing instant justice on the vile assassins? Perhaps you feared promiscuous carnage might ensue, and that the innocent might share the fate of those who had performed the infernal deed. But were not all guilty? Were you not too tender of the lives of those who came to fix a yoke on your necks? But I must not too severely blame a fault which great souls only can commit. May that magnificence of spirit which scorns the low pursuits of malice, may that generous compassion which often preserves from ruin even a guilty villain, forever actuate the noble bosoms of Americans!

But let not the miscreant host vainly imagine that we feared their arms. No; them we despised; we dread nothing but slavery. Death is the creature of a poltroon's brains; 'tis immortality to sacrifice ourselves for the salvation of our country. We fear not death. That gloomy night, the palefaced moon, and the affrighted stars that hurried through the sky, can witness that we fear not death. Our hearts which, at the recollection, glow with rage that four revolving years have scarcely taught us to restrain, can witness that we fear not death; and happy it is for those who dared to insult us that their naked bones are not now piled up an everlasting monument of Massachusetts' bravery.

But they retired, they fled, and in that flight they found their only safety. We then expected that the hand of public justice would soon inflict that punishment upon the murderers which by the laws of God and man they had incurred. But let the unbiassed pen of a Robertson, or perhaps of some equally famed American, conduct this trial before the great tribunal of succeeding generations. And though the murderers may escape the just resentment of an enraged people;

though drowsy justice, intoxicated by the poisonous draught prepared for her cup, still nods upon her rotten seat, yet be assured such complicated crimes will meet their due reward. Tell me, ye bloody butchers! ye villains high and low! ye wretches who contrived as well as you who executed the inhuman deed! do you not feel the goads and stings of conscious guilt pierce through your savage bosoms? Though some of you may think yourselves exalted to a height that bids defiance to human justice; and others shroud yourselves beneath the mask of hypocrisy, and build your hopes of safety on the low arts of cunning, chicanery, and falsehood; yet do you not sometimes feel the gnawings of that worm which never dies? Do not the injured shades of Maverick, Gray, Caldwell, Attucks, and Carr, attend you in your solitary walks; arrest you even in the midst of your debaucheries, and fill even your dreams with terror? But if the unappeased manes of the dead should not disturb their murderers, yet surely even your obdurate hearts must shrink, and your guilty blood must chill within your rigid veins, when you behold the miserable Monk, the wretched victim of your savage cruelty. Observe his tottering knees, which scarce sustain his wasted body; look on his haggard eyes; mark well the death-like paleness on his fallen cheek, and tell me, does not the sight plant daggers in your souls? Unhappy Monk! cut off, in the gay morn of manhood, from all the joys which sweeten life, doomed to drag on a pitiful existence without even a hope to taste the pleasures of returning health! Yet Monk, thou livest not in vain; thou livest a warning to thy country, which sympathizes with thee in thy sufferings; thou livest an affecting, an alarming instance of the unbounded violence which lust of power, assisted by a standing army, can lead a traitor to commit.

For us he bled and now languishes. The wounds by which he is tortured to a lingering death were aimed at our country! Surely the meek-eyed charity can never behold such sufferings with indifference. Nor can her lenient hand forbear to pour oil and wine into these wounds, and to assuage, at least, what it cannot heal.

Patriotism is ever united with humanity and compassion. This noble affection which impels us to sacrifice everything dear, even life itself, to our country, involves in it a common sympathy and tenderness for every citizen, and must ever have a particular feeling for one who suffers in a public cause. Thoroughly persuaded of this, I need not add a word to engage your compassion and bounty towards a fellow citizen who, with long protracted anguish, falls a victim to the relentless rage of our common enemies.

Ye dark designing knaves, ye murderers, parricides! how dare you tread upon the earth which has drank in the blood of slaughtered innocents, shed by your wicked hands? How dare you breathe that air which wafted to the ear of heaven the groans of those who fell a sacrifice to your accursed ambition? But if the laboring earth doth not expand her jaws; if the air you breathe is not commissioned to be the minister of death; yet, hear it and tremble! The eye of heaven penetrates the darkest chambers of the soul, traces the leading clue through all the labyrinths which your industrious folly has devised; and you, however you may have screened yourselves from human eyes, must be arraigned, must lift your hands, red with the blood of those whose death you have procured, at the tremendous bar of God!

But I gladly quit the gloomy theme of death and leave you to improve the thought of that important day when our naked souls must stand before that Being from whom

nothing can be hid. I would not dwell too long upon the horrid effects which have already followed from quartering regular troops in this town. Let our misfortunes teach posterity to guard against such evils for the future. Standing armies are sometimes (I would by no means say generally, much less universally) composed of persons who have rendered themselves unfit to live in civil society; who have no other motives of conduct than those which a desire of the present gratification of their passions suggests; who have no property in any country; men who have given up their own liberties and envy those who enjoy liberty; who are equally indifferent to the glory of a George or a Louis; who, for the addition of one penny a day to their wages would desert from the Christian cross and fight under the crescent of the Turkish sultan.

From such men as these what has not a state to fear? With such as these usurping Cæsar passed the Rubicon; with such as these he humbled mighty Rome and forced the mistress of the world to own a master in a traitor. These are the men whom sceptred robbers now employ to frustrate the designs of God and render vain the bounties which his gracious hand pours indiscriminately upon his creatures. By these the miserable slaves in Turkey, Persia, and many other extensive countries are rendered truly wretched, though their air is salubrious and their soil luxuriously fertile. By these, France and Spain, though blessed by nature with all that administers to the convenience of life, have been reduced to that contemptible state in which they now appear; and by these, Britain—but if I was possessed of the gift of prophecy I dare not, except by divine command, unfold the leaves on which the destiny of that once powerful kingdom is inscribed.

But since standing armies are so hurtful to a state, perhaps

my countrymen may demand some substitute, some other means of rendering us secure against the incursions of a foreign enemy. But can you be one moment at a loss? Will not a well-disciplined militia afford you ample security against foreign foes? We want not courage; it is discipline alone in which we are exceeded by the most formidable troops that ever trod the earth. Surely our hearts flutter no more at the sound of war than did those of the immortal band of Persia, the Macedonian phalanx, the invincible Roman legions, the Turkish janissaries, the gens d'armes of France, or the well-known grenadiers of Britain.

A well-disciplined militia is a safe, an honorable guard to a community like this, whose inhabitants are by nature brave, and are laudably tenacious of that freedom in which they were born. From a well-regulated militia we have nothing to fear; their interest is the same with that of the state. When a country is invaded, the militia are ready to appear in its defence; they march into the field with that fortitude which a consciousness of the justice of their cause inspires; they do not jeopard their lives for a master who considers them only as the instruments of his ambition, and whom they regard only as the daily dispenser of the scanty pittance of bread and water.

No, they fight for their houses, their lands, for their wives, their children, for all who claim the tenderest names, and are held dearest in their hearts; they fight *pro aris et focis*, for their liberty, and for themselves, and for their God. And let it not offend if I say that no militia ever appeared in more flourishing condition than that of this province now doth; and pardon me if I say, of this town in particular. I mean not to boast; I would not excite envy, but manly emulation.

We have all one common cause; let it, therefore, be our only contest who shall most contribute to the security of the liberties of America. And may the same kind Providence which has watched over this country from her infant state still enable us to defeat our enemies.

I cannot here forbear noticing the signal manner in which the designs of those who wish not well to us have been discovered. The dark deeds of a treacherous cabal have been brought to public view. You now know the serpents who, whilst cherished in your bosoms, were darting their envenomed stings into the vitals of the constitution.

But the representatives of the people have fixed a mark on these ungrateful monsters, which, though it may not make them so secure as Cain of old, yet renders them at least as infamous. Indeed, it would be affrontive to the tutelar deity of this country even to despair of saving it from all the snares which human policy can lay.

True it is that the British ministry have annexed a salary to the office of the governor of this province, to be paid out of a revenue raised in America without our consent. They have attempted to render our courts of justice the instruments of extending the authority of acts of the British Parliament over this colony, by making the judges dependent on the British administration for their support. But this people will never be enslaved with their eyes open. The moment they knew that the governor was not such a governor as the charter of the province points out, he lost his power of hurting them. They were alarmed; they suspected him, have guarded against him, and he has found that a wise and a brave people, when they know their danger, are fruitful in expedients to escape it.

The courts of judicature, also, so far lost their dignity, by

being supposed to be under an undue influence, that our representatives thought it absolutely necessary to resolve that they were bound to declare that they would not receive any other salary besides that which the General Court should grant them; and if they did not make this declaration, that it would be the duty of the House to impeach them.

Great expectations were also formed from the artful scheme of allowing the East India Company to export tea to America upon their own account. This certainly, had it succeeded, would have effected the purpose of the contrivers and gratified the most sanguine wishes of our adversaries. We soon should have found our trade in the hands of foreigners, and taxes imposed on everything which we consumed; nor would it have been strange if in a few years a company in London should have purchased an exclusive right of trading to America.

But their plot was soon discovered. The people soon were aware of the poison which, with so much craft and subtilty, had been concealed. Loss and disgrace ensued: and, perhaps this long-concerted masterpiece of policy may issue in the total disuse of tea in this country, which will eventually be the saving of the lives and the estates of thousands.

Yet while we rejoice that the adversary has not hitherto prevailed against us, let us by no means put off the harness. Restless malice and disappointed ambition will still suggest new measures to our inveterate enemies. Therefore let us also be ready to take the field whenever danger calls; let us be united and strengthen the hands of each other by promoting a general union among us. Much has been done by the committees of correspondence for this and the other towns of this province toward uniting the inhabitants; let them still go on and prosper. Much has been done by the committees of cor-

respondence, for the houses of assembly, in this and our sister colonies, for uniting the inhabitants of the whole continent for the security of their common interest. May success ever attend their generous endeavors.

But permit me here to suggest a general congress of deputies from the several houses of assembly on the continent as the most effectual method of establishing such an union as the present posture of our affairs require.

At such a congress a firm foundation may be laid for the security of our rights and liberties; a system may be formed for our common safety, by a strict adherence to which we shall be able to frustrate any attempts to overthrow our constitution; restore peace and harmony to America, and secure honor and wealth to Great Britain, even against the inclinations of her ministers, whose duty it is to study her welfare; and we shall also free ourselves from those unmannerly pillagers who impudently tell us that they are licensed by an act of the British Parliament to thrust their dirty hands into the pockets of every American. But I trust the happy time will come when, with the besom of destruction, those noxious vermin will be swept forever from the streets of Boston.

Surely you never will tamely suffer this country to be a den of thieves. Remember, my friends, from whom you sprang. Let not a meanness of spirit unknown to those whom you boast of as your fathers excite a thought to the dishonor of your mothers. I conjure you by all that is dear, by all that is honorable, by all that is sacred, not only that ye pray, but that ye act; that, if necessary, ye fight, and even die, for the prosperity of our Jerusalem. Break in sunder, with noble disdain, the bonds with which the Philistines have bound you. Suffer not yourselves to be betrayed, by the soft arts of luxury and effeminacy, into the pit digged for

your destruction. Despise the glare of wealth. That people who pay greater respect to a wealthy villain than to an honest, upright man in poverty, almost deserve to be enslaved; they plainly show that wealth, however it may be acquired, is, in their esteem, to be preferred to virtue.

But I thank God that America abounds in men who are superior to all temptation; whom nothing can divert from a steady pursuit of the interest of their country; who are at once its ornament and safeguard. And sure I am I should not incur your displeasure if I paid a respect, so justly due to their much honored characters, in this place. But when I name an Adams, such a numerous host of fellow patriots rush upon my mind that I fear it would take up too much of your time should I attempt to call over the illustrious roll.

But your grateful hearts will point you to the men; and their revered names in all succeeding times shall grace the annals of America. From them let us, my friends, take example; from them let us catch the divine enthusiasm; and feel, each for himself, the god-like pleasure of diffusing happiness on all around us; of delivering the oppressed from the iron grasp of tyranny; of changing the hoarse complaints and bitter moans of wretched slaves into those cheerful songs which freedom and contentment must inspire.

There is a heartfelt satisfaction in reflecting on our exertions for the public weal which all the sufferings an enraged tyrant can inflict will never take away; which the ingratitude and reproaches of those whom we have saved from ruin cannot rob us of. The virtuous asserter of the rights of mankind merits a reward which even a want of success in his endeavors to save his country, the heaviest misfortune which can befall a genuine patriot, cannot entirely prevent him from receiving.

I have the most animating confidence that the present noble

struggle for liberty will terminate gloriously for America. And let us play the man for our God, and for the cities of our God; while we are using the means in our power, let us humbly commit our righteous cause to the great Lord of the universe, who loveth righteousness and hateth iniquity. And having secured the approbation of our hearts, by a faithful and unwearied discharge of our duty to our country, let us joyfully leave our concerns in the hands of him who raiseth up and putteth down the empires and kingdoms of the world as he pleases; and with cheerful submission to his sovereign will devoutly say, " Although the fig-tree shall not blossom, neither shall fruit be in the vines; the labor of the olive shall fail, and the field shall yield no meat; the flock shall be cut off from the fold, and there shall be no herd in the stalls; yet we will rejoice in the Lord, we will joy in the God of our salvation."

PAINE

THOMAS PAINE, a celebrated political and deistical writer, born at Thetford, England, January 29, 1737, was the son of a staymaker and learned his father's trade, at which he worked in several English towns. For a number of years he led a varied life as exciseman, preacher, and staymaker by turns. About 1771 he was chosen by the excisemen as the exponent of their especial grievances and issued a pamphlet entitled "The Case of the Officers of the Excise," a work which seems to have brought him to the notice of Franklin, then in London. He emigrated to America, by Franklin's advice, in 1774, and was for a time editor of the "Pennsylvania Magazine." In March, 1775, he published in this periodical an article on "African Slavery in America," which is thought to have hastened the forming of the first American Anti-Slavery Society in the April following. In January, 1776, his famous political pamphlet "Common Sense" was published, which embodied the first unqualified presentation of the idea of American independence. The book had an immediate and startling success, and brought its author into view as one of the very noteworthy factors in the progress of events. In subsequent years he rendered much valuable service to America, which he quitted in 1787 for France, where he published his "Rights of Man" in answer to Burke. His popularity in France soon equalled his American fame and he was rewarded by citizenship in that country and a seat in the National Assembly as member for Calais. He sided with the Girondists and opposed the execution of the King, but his moderate counsels resulted in his imprisonment and narrow escape from the guillotine. After a year in prison he was released in November, 1794, at the request of James Monroe, the United States minister to France, and in his family Paine remained as a guest for two years. During his imprisonment (1793) Paine wrote "The Age of Reason," which considerably diminished his popularity in the United States. By the Federalists and by the religious element generally he was practically ostracised on account of his religious views as expressed in "The Age of Reason." For two years he lived neglected by his former admirers and died at New Rochelle, New York, June 8, 1809. Ten years later his remains were taken to England by Cobbett. His complete works have been edited by M. D. Conway (1895), whose "Life" of Paine (1892) is by far the best account of him.

SPEECH IN THE FRENCH NATIONAL CONVENTION

DELIVERED JULY 7, 1795

[On the motion of Lanthenas, "That permission be granted to Thomas Paine to deliver his sentiments on the declaration of rights and the constitution," Thomas Paine ascended the tribune; and no opposition being made to the motion, one of the secretaries, who stood by Mr. Paine, read his speech.]

CITIZENS,— The effects of a malignant fever with which I was afflicted during a rigorous confinement in the Luxembourg have thus long prevented me from attending at my post in the bosom of the convention, and the magnitude of the subject under discussion, and no other consideration on earth, could induce me now to repair to my station.

A recurrence to the vicissitudes I have experienced, and the critical situations in which I have been placed in consequence of the French revolution, will throw upon what I now propose to submit to the convention the most unequivocal proofs of my integrity and the rectitude of those principles which have uniformly influenced my conduct.

In England I was proscribed for having vindicated the French revolution, and I have suffered a rigorous imprisonment in France for having pursued a similar mode of conduct. During the reign of terrorism I was a close prisoner for eight long months, and remained so above three months after the era of the 10th Thermidor. I ought, however, to state that I was not persecuted by the people either of England or France. The proceedings in both countries were the effects of the despotism existing in their respective governments. But, even if my persecution had originated in the people at large, my principles and conduct would still have remained the same. Principles which are influenced and subject to the control of tyranny have not their foundation in the heart.

A few days ago I transmitted to you, by the ordinary mode of distribution, a short treatise entitled "Dissertation on the First Principles of Government." This little work I did intend to have dedicated to the people of Holland, who, about the time I began to write it, were determined to accom-

plish a revolution in their government, rather than to the people of France, who had long before effected that glorious object. But there are, in the constitution which is about to be ratified by the convention, certain articles, and in the report which preceded it certain points, so repugnant to reason and incompatible with the true principles of liberty as to render this treatise, drawn up for another purpose, applicable to the present occasion, and under this impression I presumed to submit it to your consideration.

If there be faults in the constitution it were better to expunge them now than to abide the event of their mischievous tendency; for certain it is that the plan of the constitution which has been presented to you is not consistent with the grand object of the revolution, nor congenial to the sentiments of the individuals who accomplished it.

To deprive half the people in a nation of their rights as citizens is an easy matter in theory or on paper, but it is a most dangerous experiment and rarely practicable in the execution.

I shall now proceed to the observations I have to offer on this important subject; and I pledge myself that they shall be neither numerous nor diffusive.

In my apprehension a constitution embraces two distinct parts or objects, the principle and the practice; and it is not only an essential but an indispensable provision that the practice should emanate from and accord with the principle. Now I maintain that the converse of this proposition is the case in the plan of the constitution under discussion. The first article, for instance, of the political state of citizens (*vide* Title II of the Constitution) says:

"Every man born and resident of France, who, being twenty-one years of age, has inscribed his name on the civic

register of his canton, and who has lived afterward one year on the territory of the republic, and who pays any direct contribution whatsoever, real or personal, is a French citizen."

I might ask here, if those only who come under the above description are to be considered as citizens, what designation do you mean to give the rest of the people? I allude to that portion of the people on whom the principal part of the labor falls, and on whom the weight of indirect taxation will in the event chiefly press. In the structure of the social fabric, this class of people are infinitely superior to that privileged order whose only qualification is their wealth or territorial possessions. For what is trade without merchants? What is land without cultivation? And what is the produce of the land without manufactures? But to return to the subject.

In the first place, this article is incompatible with the three first articles of the declaration of rights, which precede the constitution act.

The first article of the declaration of rights says:

"The end of society is the public good; and the institution of government is to secure to every individual the enjoyment of his rights."

But the article of the constitution to which I have just adverted proposes as the object of society, not the public good, or in other words, the good of all, but a partial good, or the good only of a few; and the constitution provides solely for the rights of this few to the exclusion of the many.

The second article of the declaration of rights says:

"The rights of man in society are liberty, equality, and security of his person and property."

But the article alluded to in the constitution has a direct tendency to establish the converse of this position, inasmuch

as the persons excluded by this inequality can neither be said to possess liberty nor security against oppression. They are consigned totally to the caprice and tyranny of the rest.

The third article of the declaration of rights says:

"Liberty consists in such acts of volition as are not injurious to others."

But the article of the constitution on which I have observed breaks down this barrier. It enables the liberty of one part of society to destroy the freedom of the other.

Having thus pointed out the inconsistency of this article to the declaration of rights I shall proceed to comment on that part of the same article which makes a direct contribution a necessary qualification to the right of citizenship.

A modern refinement on the object of public revenue has divided the taxes or contributions into two classes, the direct and the indirect, without being able to define precisely the distinction or difference between them, because the effect of both is the same.

Those are designated indirect taxes which fall upon the consumers of certain articles on which the tax is imposed, because, the tax being included in the price, the consumer pays it without taking notice of it.

The same observation is applicable to the territorial tax. The land proprietors, in order to reimburse themselves, will rack-rent their tenants: the farmer, of course, will transfer the obligation to the miller by enhancing the price of grain; the miller to the baker, by increasing the price of flour; and the baker to the consumer, by raising the price of bread. The territorial tax, therefore, though called direct, is in its consequences indirect.

To this tax the land proprietor contributes only in proportion to the quantity of bread and other provisions that are

consumed in his own family. The deficit is furnished by the great mass of the community, which comprehends every individual of the nation.

From the logical distinction between the direct and indirect taxation, some emolument may result, I allow, to auditors of public accounts, etc., but to the people at large I deny that such a distinction (which by the way is without a difference) can be productive of any practical benefit. It ought not, therefore, to be admitted as a principle in the constitution.

Besides this objection, the provision in question does not affect to define, secure, or establish the right of citizenship. It consigns to the caprice or discretion of the legislature the power of pronouncing who shall, or shall not, exercise the functions of a citizen; and this may be done effectually, either by the imposition of a direct or indirect tax, according to the selfish views of the legislators, or by the mode of collecting the taxes so imposed.

Neither a tenant who occupies an extensive farm, nor a merchant or manufacturer, who may have embarked a large capital in their respective pursuits, can ever, according to this system, attain the pre-emption of a citizen. On the other hand, any upstart who has by succession or management got possession of a few acres of land, or a miserable tenement, may exultingly exercise the functions of a citizen, although perhaps neither possesses a hundredth part of the worth of property of a simple mechanic, nor contributes in any proportion to the exigencies of the state.

The contempt in which the old government held mercantile pursuits, and the obloquy that attached on merchants and manufacturers, contributed not a little to its embarrassments and its eventual subversion; and, strange to tell, though the mischiefs arising from this mode of conduct are so obvious,

yet an article is proposed for your adoption which has a manifest tendency to restore a defect inherent in the monarchy.

I shall now proceed to the second article of the same title, with which I shall conclude my remarks.

The second article says:

"Every French soldier who shall have served one or more campaigns in the cause of liberty is deemed a citizen of the republic without any respect or reference to other qualifications."

It should seem that in this article the committee were desirous of extricating themselves from a dilemma into which they had been plunged by the preceding article. When men depart from an established principle they are compelled to resort to trick and subterfuge, always shifting their means to preserve the unity of their objects; and as it rarely happens that the first expedient makes amends for the prostitution of principle, they must call in aid a second of a more flagrant nature to supply the deficiency of the former. In this manner legislators go on accumulating error upon error, and artifice upon artifice, until the mass becomes so bulky and incongruous, and their embarrassment so desperate, that they are compelled, as their last expedient, to resort to the very principle they had violated. The committee were precisely in this predicament when they framed this article; and to me, I confess, their conduct appears specious rather than efficacious.

It was not for himself alone, but for his family, that the French citizen at the dawn of the revolution (for then indeed every man was considered a citizen) marched soldier-like to the frontiers and repelled a foreign invasion. He had it not in his contemplation that he should enjoy liberty for the

residue of his earthly career, and by his own act preclude his offspring from that inestimable blessing. No! He wished to leave it as an inheritance to his children, and that they also might hand it down to their latest posterity. If a Frenchman who united in his person the character of a soldier and a citizen was now to return from the army to his peaceful habitation, he must address his family in this manner: "Sorry I am that I cannot leave to you a small portion of what I have acquired by exposing my person to the ferocity of our enemies and defeating their machinations. I have helped to establish the republic, and, painful the reflection, all the laurels which I have won in the field are blasted, and all the privileges to which my exertions have entitled me extend not beyond the period of my own existence!" Thus the measure that has been adopted by way of subterfuge falls short of what the framers of it speculated upon; for in conciliating the affections of the soldier they have subjected the father to the most pungent sensations by obliging him to adopt a generation of slaves.

Citizens, a great deal has been urged respecting insurrections. I am confident that no man has a greater abhorrence of them than myself, and I am sorry that any insinuations should have been thrown out against me as a promoter of violence of any kind. The whole tenor of my life and conversation gives the lie to those calumnies and proves me to be a friend to order, truth, and justice.

I hope you will attribute this effusion of my sentiments to my anxiety for the honor and success of the revolution. I have no interest distinct from that which has a tendency to meliorate the condition of mankind. The revolution, as far as it respects myself, has been productive of more loss and persecution than it is possible for me to describe or

for you to indemnify. But with respect to the subject under consideration I could not refrain from declaring my sentiments.

In my opinion, if you subvert the basis of the revolution, if you dispense with principles and substitute expedients, you will extinguish that enthusiasm and energy which have hitherto been the life and soul of the revolution; and you will substitute in its place nothing but a cold indifference and self-interest which will again degenerate into intrigue, cunning, and effeminacy.

But to discard all considerations of a personal and subordinate nature, it is essential to the well-being of the republic that the practical or organic part of the constitution should correspond with its principles; and as this does not appear to be the case in the plan that has been presented to you it is absolutely necessary that it should be submitted to the revision of a committee who should be instructed to compare it with the declaration of rights, in order to ascertain the difference between the two and to make such alterations as shall render them perfectly consistent and compatible with each other.

RUTLEDGE

JOHN RUTLEDGE, an American statesman, was born in Charleston, South Carolina, in 1739. He was the son of a wealthy physician of that city and was sent to London to study law at the Middle Temple. Returning to Charleston in 1761, he soon acquired an excellent professional reputation and took an active interest in public affairs. He was a member of the Stamp Act Congress called by Massachusetts in 1765 to meet in New York, in which he defended the principle of colonial union and urged resistance to English oppression. In the South Carolina convention of 1774 he urged making common cause with Massachusetts and was subsequently a member of the first Continental Congress from his province, at which time Patrick Henry pronounced him "by far the greatest orator in that body." He was chosen governor of South Carolina and commander-in-chief of its military forces in 1779, and at the close of the struggle with the mother country he again sat in Congress and was one of the framers of the federal constitution. He was chief justice of his State in 1795, and was appointed chief justice of the United States Supreme Court in the same year, but the Senate refused to confirm the appointment. This circumstance hastened the development of a mental disease which had already been somewhat manifest, and, returning to private life, he died in his native city, July 18, 1800.

SPEECH TO THE GENERAL ASSEMBLY

[Governor Rutledge delivered the following speech to the General Assembly of South Carolina, met at Jacksonburgh, in that State, on Friday, the eighteenth day of January, 1782. It evinces his unwearied zeal and attention to the interests of the colonies, and presents a vivid picture of the perfidy, rapine, and cruelty which distinguished the British arms in the southern campaign.]

HONORABLE GENTLEMEN OF THE SENATE; MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,—Since the last meeting of a general assembly the good people of this State have not only felt the common calamities of war, but from the wanton and savage manner in which it has been prosecuted they have experienced such severities as are unpractised and will scarcely be credited by civilized nations.

The enemy unable to make any impression on the northern

States, the number of whose inhabitants and the strength of whose country had baffled their repeated efforts, turned their views towards the southern, which a difference of circumstances afforded some expectation of conquering, or at least of greatly distressing. After a long resistance the reduction of Charleston was effected by the vast superiority of force with which it had been besieged. The loss of that garrison, as it consisted of the Continental troops of Virginia and the Carolinas, and of a number of militia, facilitated the enemy's march into the country and their establishment of strong posts in the upper and interior parts of it, and the unfavorable issue of the action near Camden induced them vainly to imagine that no other army could be collected which they might not easily defeat.

The militia, commanded by the Brigadiers Sumter and Marion, whose enterprising spirit and unremitting perseverance under many difficulties are deserving of great applause, harassed and often defeated large parties; but the numbers of those militia were too few to contend effectually with the collected strength of the enemy.

Regardless, therefore, of the sacred ties of honor, destitute of the feelings of humanity, and determined to extinguish, if possible, every spark of freedom in this country; they, with the insolent pride of conquerors, gave unbounded scope to the exercises of their tyrannical disposition, infringed their public engagements, and violated the most solemn capitulations. Many of our worthiest citizens were, without cause, long and closely confined, some on board of prison ships, and others in the town and castle of St. Augustine, their properties disposed of at the will and caprice of the enemy, and their families sent to different and distant parts of the continent without the means of support. Many who had sur-

rendered as prisoners of war were killed in cold blood; several suffered death in the most ignominious manner, and others were delivered up to savages and put to tortures under which they expired. Thus, the lives, liberties, and properties of the people were dependent solely on the pleasure of British officers, who deprived them of either or all on the most frivolous pretences. Indians, slaves, and a desperate banditti of the most profligate characters were caressed and employed by the enemy to execute their infamous purposes; devastation and ruin marked their progress and that of their adherents, nor were their violences restrained by the charms or influence of beauty and innocence; even the fair sex, whom it is the duty of all, and the pleasure and pride of the brave to protect, they and their tender offspring were victims to the inveterate malice of an unrelenting foe; neither the tears of mothers nor the cries of infants could excite in their breasts pity or compassion; not only the peaceful habitation of the widow, the aged, and the infirm, but the holy temples of the Most High were consumed, in flames kindled by their sacrilegious hands. They have tarnished the glory of the British arms, disgraced the profession of a soldier, and fixed indelible stigmas of rapine, cruelty, perfidy, and profaneness on the British name.

But I can now congratulate you, and I do most cordially on the pleasing change of affairs which, under the blessing of God, the wisdom, prudence, address, and bravery of the great and gallant General Greene, and the intrepidity of the officers and men under his command, have happily effected. A general who is justly entitled from his many signal services to honorable and singular marks of your approbation and gratitude, his successes have been more rapid and complete than the most sanguine could have expected; the enemy,

compelled to surrender or evacuate every post which they held in the country, frequently defeated and driven from place to place, are obliged to seek refuge under the walls of Charleston and on islands in its vicinity. We have now the full and absolute possession of every other part of the State, and the legislative, executive, and judicial powers are in the free exercise of their respective authorities.

I also most heartily congratulate you on the glorious victory obtained by the combined forces of America and France over their common enemy; when the very general who was second in command at the reduction of Charleston, and to whose boasted prowess and highly extolled abilities the conquest of no less than three States had been arrogantly committed, was speedily compelled to accept of the same mortifying terms which had been imposed on that brave but unfortunate garrison; to surrender an army of many thousand regulars, and to abandon his wretched followers, whom he had artfully seduced from their allegiance by specious promises of protection which he could never have hoped to fulfil, to the justice or mercy of their country: on the naval superiority established by the illustrious ally of the United States — a superiority in itself so decided, and in its consequences so extensive, as must inevitably soon oblige the enemy to yield to us the only post which they occupy in this State: and on the reiterated proofs of the sincerest friendship, and on the great support which America has received from that powerful monarch— a monarch whose magnanimity is universally acknowledged and admired, and on whose royal word we may confidently rely for every necessary assistance: on the perfect harmony which subsists between France and America: on the stability which her independence has acquired, and the certainty that it is too deeply rooted ever to be shaken; for, ani-

mated as they are by national honor, and united by one common interest, it must and will be maintained.

What may be the immediate effects on the British nation, of the events which I have mentioned, of their loss of territory in other parts of the world, and of their well-founded apprehensions from the powers of France, Spain, and Holland, it is impossible to foretell. If experience can teach wisdom to a haughty and infatuated people, and if they will now be governed by reason, they will have learnt they can have no solid ground of hope to conquer any State in the Union; for though their armies have obtained temporary advantages over our troops, yet the citizens of these States, firmly resolved as they are never to return to a domination which, near six years ago, they unanimously and justly renounced, cannot be subdued; and they must now be convinced that it is the height of folly and madness to persist in so ruinous a war.

If, however, we judge, as we ought, of their future by their past conduct, we may presume that they will not only endeavor to keep possession of our capital, but make another attempt, howsoever improbable the success of it may appear, to subjugate this country: it is therefore highly incumbent upon us to use our most strenuous efforts to frustrate so fatal a design; and I earnestly conjure you, by the sacred love which you bear to your country, by the constant remembrance of her bitter sufferings, and by the just detestation of British government which you and your posterity must forever possess, to exert your utmost faculties for that purpose by raising and equipping, with all possible expedition, a respectable permanent force, and by making ample provision for their comfortable subsistence.

I am sensible the expense will be great; but a measure so

indispensable to the preservation of our freedom is above every pecuniary consideration.

The organization of our militia is likewise a subject of infinite importance: a clear and concise law, by which the burdens of service will be equally sustained and a competent number of men brought forth and kept in the field when their assistance may be required, is essential to our security, and therefore justly claims your immediate and serious attention: certain it is that some of our militia have, upon several occasions, exhibited symptoms of valor which would have reflected honor on veteran troops. The courage and conduct of the generals whom I have mentioned; the cool and determined bravery displayed by Brigadier Pickens, and, indeed, the behavior of many officers and men in every brigade, are unquestionable testimonies of the truth of this assertion. But such behavior cannot be expected from militia in general, without good order and strict discipline; nor can that order and discipline be established but by a salutary law steadily executed.

Another important matter for your deliberation is the conduct of such of our citizens as, voluntarily avowing their allegiance and even glorifying in their professions of loyalty and attachment to his Britannic Majesty, have offered their congratulations on the success of his arms, prayed to be embodied as loyal militia, accepted commissions in his service, or endeavored to subvert our constitution and establish his power in its stead; of those who have returned to this State, in defiance of law, by which such return was declared to be a capital offence, and have bettered the British interest, and of such whose behavior has been so reprehensible that justice and policy forbid their free re-admission to the rights and privileges of citizens.

The extraordinary lenity of this State has been remarkably

conspicuous. Other States have thought it just and expedient to appropriate the property of British subjects to the public use; but we have forborne even to take the profits of the estates of our most implacable enemies. It is with you to determine whether the forfeiture and appropriation of their property should now take place: if such should be your determination, though many of our warmest friends have been reduced, for their inflexible attachment to the cause of their country, from opulence to inconceivable distress, and, if the enemy's will and power had prevailed, would have been doomed to indigence and beggary, yet it will redound to the reputation of this State to provide a becoming support for the families of those whom you may deprive of their property.

The value of paper currency became of late so much depreciated that it was requisite, under the powers vested in the executive during the recess of the General Assembly, to suspend the laws by which it was made a tender. You will now consider whether it may not be proper to repeal those laws, and fix some equitable mode for the discharge of debts contracted whilst paper money was in circulation.

In the present scarcity of specie it would be difficult, if not impracticable, to levy a tax to any considerable amount, towards sinking the public debt, nor will the creditors of the State expect that such a tax should at this time be imposed; but it is just and reasonable that all unsettled demands should be liquidated, and satisfactory assurances of payment given to the public creditors.

The interest and honor, the safety and happiness of our country depend so much on the result of your deliberations, that I flatter myself you will proceed in the weighty business before you with firmness and temper, with vigor, unanimity, and despatch.

BOUDINOT

ELIAS BOUDINOT, an American statesman and philanthropist, was descended from a Hugenot family of France, his great-grandfather having fled to America after the revocation of the Edict of Nantes. He was born at Philadelphia, May 2, 1740, and after receiving a good general education and studying for the bar was admitted to the practice of law in New Jersey in 1760. He took an active interest in political affairs, sat in the Continental Congress, and was commissary-general of prisoners, 1777-79. In November, 1782, he was chosen president of Congress and in that capacity signed the treaty of peace the next year. He was a member of the first three Congresses of the United States and was director of the Philadelphia Mint for a period of ten years. He retired from public life in 1805 and resided in Burlington, New Jersey, until his death, which took place there, October 4, 1821. Boudinot was active in benevolent and educational enterprises throughout his long and honorable career and is well remembered as the first president of the American Bible Society. His principal writings include "The Ages of Revelation," a reply to Paine (1790); "Second Advent of the Messiah" (1815); "A Star in the West," an endeavor to prove that the Indians of North America are descended from the lost tribes of Israel.

ORATION BEFORE THE CINCINNATI

[This oration was delivered by Mr. Boudinot at Elizabethtown, New Jersey, agreeably to a resolution of the State Society of the Cincinnati, on the Fourth of July, 1793.]

GENTLEMEN, BRETHREN, AND FELLOW CITIZENS,—Having devoutly paid the sacrifice of prayer and praise to that Almighty Being by whose favor and mercy this day is peculiarly dedicated to the commemoration of events which fill our minds with joy and gladness, it becomes me, in obedience to the resolutions of our Society, to aim at a further improvement of this festival by leading your reflections to the contemplation of those special privileges which attend the happy and important situation you now enjoy among the nations of the earth.

Is there any necessity, fellow citizens, to spend your time in attempting to convince you of the policy and propriety of setting apart this anniversary for the purpose of remembering with gratitude the unexampled event of our political salvation?

The cordial testimony you have borne to this institution for seventeen years past supersedes the necessity of an attempt of this kind; and, indeed, if this had been the first instance of our commemorating the day, the practice of all nations and of all ages would have given a sanction to the measure.

The history of the world, as well sacred as profane, bears witness to the use and importance of setting apart a day as a memorial of great events, whether of a religious or political nature.

No sooner had the great Creator of the heavens and the earth finished his almighty work and pronounced all very good, but he set apart (not an anniversary, or one day in a year, but) one day in seven for the commemoration of his inimitable power in producing all things out of nothing.

The deliverance of the children of Israel from a state of bondage to an unreasonable tyrant was perpetuated by the eating of the Paschal Lamb and enjoining it to their posterity as an annual festival forever, with a "remember this day, in which ye came out of Egypt, out of the house of bondage."

The resurrection of the Saviour of mankind is commemorated by keeping the first day of the week, not only as a certain memorial of his first coming in a state of humiliation, but the positive evidence of his future coming in glory.

Let us then, my friends and fellow citizens, unite all our endeavors this day to remember, with reverential gratitude to our supreme Benefactor, all the wonderful things he has done for us in a miraculous deliverance from a second Egypt —

another house of bondage. "And thou shalt show thy son on this day, saying this day is kept as a day of joy and gladness, because of the great things the Lord has done for us, when we were delivered from the threatening power of an invading foe. And it shall be a sign unto thee, upon thine hand, and for a memorial between thine eyes, that the law of the Lord may be in thy mouth, for with a strong hand hast thou been delivered from thine enemies: Thou shalt therefore keep this ordinance in its season, from year to year, forever."

When great events are to be produced in this our world, great exertions generally become necessary; men are therefore usually raised up, with talents and powers peculiarly adapted to the purposes intended by Providence, who often by their disinterested services and extreme sufferings become the wonder as well as the examples of their generation.

The obligations of mankind to these worthy characters increase in proportion to the importance of the blessings purchased by their labors.

It is not then an unreasonable expectation which, I well know, generally prevails, that this day should be usually devoted to the perpetuating and respectfully remembering the dignified characters of those great men with whom it has been our honor to claim the intimate connection of fellow citizens,— men who have purchased our present joyful circumstances at the invaluable price of their blood.

But you must also acknowledge with me that this subject has been so fully considered and so ably handled by those eloquent and enlightened men who have gone before me in this honorable path, that had their superior abilities fallen to my lot I could do but little more than repeat the substance of their observations and vary their language.

Forgive me, ye spirits of my worthy, departed fellow citi-

zens!—patriots of the first magnitude, whose integrity no subtle arts of bribery and corruption could successfully assail; and whose fortitude and perseverance no difficulties or dangers could intimidate, whose labors and sufferings in the common cause of our country; whose exploits in the field and wisdom in the cabinet, I have often been witness to during a cruel and distressing war! Forgive, O Warren, Montgomery! and all the nameless heroes of your illustrious group! Forgive, that I omit on the present occasion to follow the steps of those compatriots who have preceded me, but had rather spend this sacred hour in contemplating those great purposes which animated your souls in the severe conflict, and for which you fought and bled!

Were you present to direct this day's meditations, would you not point to your scarred limbs and bleeding breasts, and loudly call upon us to reward your toils and sufferings by forcibly inculcating and improving those patriotic principles and practices which led you to those noble achievements that secured the blessings we now enjoy?

Yes, ye martyrs to liberty! ye band of heroes! ye once worthy compatriots and fellow citizens! We will obey your friendly suggestion, and greatly prize that freedom and independence, purchased by your united exertions, as the most invaluable gem of our earthly crown!

The late revolution, my respected audience, in which we this day rejoice, is big with events that are daily unfolding themselves and pressing in thick succession, to the astonishment of a wondering world!

It has been marked with the certain characteristic of a divine overruling hand, in that it was brought about and perfected against all human reasoning, and apparently against all human hope; and that in the very moment of time when all

Europe seemed ready to be plunged into commotion and distress.

Divine Providence, throughout the government of this world, appears to have impressed many great events with the undoubted evidence of his own almighty arm. He putteth down kingdoms and he setteth up whom he pleaseth, and it has been literally verified in us that "no king prevaileth by the power of his own strength."

The first great principle established and secured by our revolution, and which since seems to be pervading all the nations of the earth, and which should be most zealously and carefully improved and gloried in by us, is the rational equality and rights of men as men and citizens.

I do not mean to hold up the absurd idea charged upon us by the enemies of this valuable principle, and which contains in it inevitable destruction to every government, "that all men are equal as to acquired or adventitious rights." Men must and do continually differ in their genius, knowledge, industry, integrity, and activity.

Their natural and moral characters — their virtues and vices — their abilities, natural and acquired — together with favorable opportunities for exertion, will always make men different among themselves, and of course create a pre-eminency and superiority one over another. But the equality and rights of men here contemplated are natural, essential, and inalienable, such as the security of life, liberty, and property. These should be the firm foundation of every good government, as they will apply to all nations at all times and may properly be called a universal law. It is apparent that every man is born with the same right to improve the talent committed to him, for the use and benefit of society, and to be respected accordingly.

We are all the workmanship of the same divine hand. With our Creator, abstractly considered, there are neither kings nor subjects, masters nor servants, otherwise than stewards of his appointment, to serve each other according to our different opportunities and abilities, and of course accountable for the manner in which we perform our duty. He is no respecter of persons; he beholds all with an equal eye; and although "order is heaven's first law," and he has made it essential to every good government, and necessary for the welfare of every community, that there should be distinctions among members of the same society, yet this difference is originally designed for the service, benefit, and best good of the whole, and not for their oppression or destruction.

It is our duty then, as a people, acting on principles of universal application, to convince mankind of the truth and practicability of them by carrying them into actual exercise for the happiness of our fellow men, without suffering to be perverted to oppression or licentiousness.

The eyes of the nations of the earth are fast opening, and the inhabitants of this globe, notwithstanding it is 3,000 years since the promulgation of that invaluable precept, "Thou shalt love thy neighbor as thyself," are but just beginning to discover their brotherhood to each other, and that all men, however different with regard to nation or color, have an essential interest in each other's welfare.

Let it then be our peculiar, constant care and vigilant attention to inculcate this sacred principle, and to hand it down to posterity improved by every generous and liberal practice, that while we are rejoicing in our own political and religious privileges we may with pleasure contemplate the happy period when all the nations of the earth shall join in the triumph of this day, and one universal anthem of praise

shall arise to the universal Creator in return for the general joy.

Another essential ingredient in the happiness we enjoy as a nation, and which arises from the principles of the revolution, is the right that every people have to govern themselves in such manner as they judge best calculated for the common benefit.

It is a principle interwoven with our constitution, and not one of the least blessings purchased by that glorious struggle, to the commemoration of which this day is specially devoted, that every man has a natural right to be governed by laws of his own making, either in person or by his representative; and that no authority ought justly to be exercised over him that is not derived from the people, of whom he is one.

This, fellow citizens, is a most important, practical principle, first carried into complete execution by the United States of America.

I tremble for the event, while I glory in the subject.

To you, ye citizens of America! do the inhabitants of the earth look with eager attention for the success of a measure on which their happiness and prosperity so manifestly depend.

To use the words of a famous foreigner, "You are become the hope of human nature and ought to become its great example. The asylum opened in your land for the oppressed of all nations must console the earth."

On your virtue, patriotism, integrity, and submission to the laws of your own making and the government of your own choice do the hopes of men rest with prayers and supplications for a happy issue.

Be not, therefore, careless, indolent, or inattentive in the exercise of any right of citizenship. Let no duty, however small or seemingly of little importance, be neglected by you.

Ever keep in mind that it is parts that form the whole, and fractions constitute the unit. Good government generally begins in the family, and if the moral character of a people once degenerates their political character must soon follow.

A friendly consideration of our fellow citizens who by our free choice become the public servants and manage the affairs of our common country is but a reasonable return for their diligence and care in our service.

The most enlightened and zealous of our public servants can do little without the exertions of private citizens to perfect what they do but form as it were in embryo. The highest officers of our government are but the first servants of the people and always in their power: they have, therefore, a just claim to a fair and candid experiment of the plans they form and the laws they enact for the public weal. Too much should not be expected from them; they are but men and of like passions and of like infirmities with ourselves; they are liable to err, though exercising the purest motives and best abilities required for the purpose.

Times and circumstances may change and accidents intervene to disappoint the wisest measures. Mistaken and wicked men (who cannot live but in troubled waters) are often laboring with indefatigable zeal, which sometimes proves but too successful, to sour our minds and derange the best-formed systems. Plausible pretensions and censorious insinuations are always at hand to transfer the deadly poison of jealousy by which the best citizens may for a time be deceived.

These considerations should lead to an attentive solicitude to keep the pure, unadulterated principles of our constitution always in view; to be religiously careful in our choice of public officers; and as they are again in our power at very

short periods lend not too easily a patient ear to every invidious insinuation or improbable story, but prudently mark the effects of their public measures and judge of the tree by its fruits.

I do not wish to discourage a constant and lively attention to the conduct of our rulers. A prudent suspicion of public measures is a great security to a republican government; but a line should be drawn between a careful and critical examination into the principles and effects of regular systems after a fair and candid trial, and a captious, discontented, and censorious temper, which leads to find fault with every proposition in which we have not an immediate hand, and raise obstacles to rational plans of government without waiting a fair experiment. It is generally characteristic of this disposition to find fault without proposing a better plan for consideration.

We should not forget that our country is large, and our fellow citizens of different manners, interests and habits; that our laws, to be right, must be equal and general. Of course the differing interests must be combined, and brotherly conciliation and forbearance continually exercised, if we will judge with propriety of those measures that respect a nation at large.

While we thus enjoy as a community the blessings of the social compact in its purity, and are all endeavoring to secure the invaluable privileges purchased by the blood of thousands of our brethren who fell in the dreadful conflict, let us also be careful to encourage and promote a liberality and benevolence of mind toward those whom they have left behind, and whose unhappy fate it has been to bear a heavier proportion of the expensive purchase in the loss of husbands, parents, or children, perhaps their only support and hope in life.

Mankind, considered as brethren, should be dear to each

other; but, fellow citizens, who have together braved the common danger,—who have fought side by side,—who have mingled their blood together, as it were in one rich stream,—who have labored and toiled with united efforts to accomplish the same glorious end, must surely be more than brethren — it is a union cemented by blood.

I can no longer deny myself the felicity, my beloved friends and fellow citizens, members of a Society founded on these humane and benevolent principles, of addressing myself more particularly to you on a day which in so peculiar a manner shines with increasing lustre on you, refreshing and brightening your hard-earned laurels, by renewing the honorable reward of your laborious services in the gratitude of your rejoicing fellow citizens.

Methinks I behold you on the victorious banks of the Hudson, bowed down with the fatigues of an active campaign and the sufferings of an inclement winter, receiving the welcome news of approaching peace and your country's political salvation with all that joy of heart and serenity of mind, that become citizens who flew to their arms, merely at their country's call, in a time of common danger.

The war-worn soldiers, reduced to the calamities of a seven years' arduous service, now solemnly pause and reflect on the peculiarity of their critical situation. The ravages of war had been extended through a country dearer to them than life, and thereby prevented that ample provision in service, or reasonable recompense on their return to private life, that prudence required and gratitude powerfully dictated.

They thought that the distresses of the army had before been brought to a point; "that they had borne all that men could bear; their property expended; their private resources at an end; their friends wearied out and disgusted with inces-

sant applications." But another trial, severer than all, still awaits them; they are now to be disbanded and a separation to take place more distressing than every former scene! Till now the severe conflict was unseen or unattended to. Poverty and the gratitude of their country are their only reward.

True, they are to return to their friends and fellow citizens with blessings on their heads. The general liberty and independence are now secured,— but yet want and dire distress stare many in the face. They are to return to wives and children, long used to dependence on the cold hand of charity, in hopes of a sure support from the success of the common cause, when their husband, father, or child returned glorious from the field of conquest. Alas! these flattering hopes now are no more.

Their country's exhausted treasury cannot yield them even the hard-earned pittance of a soldier's pay. Being urged on one hand by the subtle poison of inflammatory, violent, and artful addresses under the specious mask of pretended friendship (the last expiring effort of a conquered foe),— warned on the other hand by the experience, wisdom, and rational conduct of their beloved commander, their father and long-tried friend,— they solemnly deliberate.

Some guardian angel, perhaps the happy genius of America, ever attendant on the object of her care, raises the drooping head, wipes the indignant, falling tear from the hardy soldier's eye, and suggests the happy expedient!

Brotherly affection produces brotherly relief — the victorious bands unite together — they despise the infamous idea — they refuse to listen to the siren's song — they form the social tie — they cast in the remaining fragment of their scanty pay, and instead of seizing their arms and demanding their rights by menace and violence they refuse "to lessen

the dignity or sully the glory they had hitherto maintained. They determined to give one more proof of unexampled patriotism and patient virtue, rising superior to the pressure of their complicated sufferings, and thereby afford an occasion to posterity to say, had that day been wanting, the world had not seen the last stage of political perfection to which human nature is capable of attaining."

The glorious certainty of peace, purchased by their sufferings and perseverance, now rouses the patriotic fire. They again rejoice in the event; they unite in a firm, indissoluble bond, "gratefully to commemorate the event which gave independence to America,— to inculcate to latest ages the duty of laying down in peace arms assumed for public defence in war,— to continue their mutual friendship, which commenced under the pressure of common dangers, and to effectuate every act of beneficence dictated by a spirit of brotherly kindness to any of their number and their families who might unfortunately be under the necessity of receiving them;" and by this unanimous act establish this sacred truth, "that the glory of soldiers cannot be well completed without acting well the part of citizens."

This, gentlemen, is your origin as a Society — the source from whence you sprang, and this day we are carrying on the work first begun in these social principles.

With a heart filled with unfeigned gratitude to the Author of all our mercies, and overflowing with the most affectionate friendship toward you, suffer me to congratulate you on this seventeenth anniversary of our happy independence. Long, long, even to the remotest ages, may the citizens of this rising empire enjoy the triumph of this day; may they never forget the invaluable price which it costs, as well as the great purposes for which it was instituted, and may a frequent recur-

rence to the first principles of our constitution on this anniversary be a constant source of security and permanence to the rising fabric! May the rights of man and the purity of a free, energetic, and independent government be continually cherished and promoted by every son of Cincinnatus! May the remembrance of those worthy heroes, once our beloved companions, whose lives they did not hold dear when required for their country's safety, animate us to preserve inviolate what they purchased at so high a rate! May we, by the uniform conduct of good citizens and generous, faithful friends, show ourselves worthy of such valuable connections!

Long, long may you live to enjoy the reward of your labors, in the exercise of the duties of this honorable anniversary; and after a long life of services to your country, usefulness to your Society, and happiness to yourselves, may you leave your generation in the full enjoyment of peace and a sound constitution, justified by experience, for the example of which, nations yet unborn shall rise up and call you blessed!

And now, my respected audience, we appeal to your candor and generosity; you have heard our origin — you have known our conduct — our Society is designed for the happiness and benefit of mankind — we have no secrets — we claim no separate privileges — we ask no independent immunities — we are embarked in one common cause with you — we glory in one perfect political equality,—all we wish for is the pleasure of renewing ancient friendships, of the mutual remembrance of past labors and sufferings, the liberal exercise of that celestial principle, charity, and one common interest with you in the security of our liberty, property, and independence.

We profess to be a band of brethren, united to our fellow citizens by every tie of interest, gratitude, and love. Let us then go hand in hand with you in looking forward to the

happy state of our country during a long succession of ages yet to come.

We are encouraged in this animating hope by the numerous advantages arising to us, in a peculiar manner, from the happy revolution we commemorate this day; they are conspicuous in every quarter to which the view can be directed.

If we turn our attention to the strong hope of every community, the rising generation, the world has yet enjoyed nothing equal to their advantages and future prospects.

The road to honors, riches, usefulness, and fame, in this happy country, is open equally to all. The equality of citizens in its true sense must raise the most lively hopes, prompt the noblest exertions, and secure a certainty of success to all, who shall excel in the service of their country, without respect of persons.

The meanest citizen of America educates his beloved child with a well-founded hope that if he should become equal to the task he may rationally aspire to the command of our armies, a place in the cabinet, or even to the filling of the presidential chair; he stands on equal ground in regard to the first honors of the state with the richest of his fellow citizens.

The child of the poorest laborer, by enjoying the means of education (afforded in almost every corner of this happy land), is trained up for and is encouraged to look forward to a share in the legislation of the Union or of a particular State with as much confidence as the noblest subject of an established monarchy.

This is a peculiar happiness of our highly favored republic among the nations of the earth, proceeding from the successful revolution in which we this day rejoice.

Suffer me, ye fair daughters of New Jersey! to call on you also in a special manner to add your invigorating smiles to

the mirth and festivity of this day. Our happiness can be but half complete if you refuse to crown the whole with your kind approbation.

Have you not at all times and do you not still continue to participate deeply in the multiplied blessings of our common country? Raised from the humiliating state of your sex in most other countries, you also breathe the sacred air of freedom and nobly unite your exertions for the general good.

The rights of women are no longer strange sounds to an American ear; they are now heard as familiar terms in every part of the United States; and I devoutly hope that the day is not far distant when we shall find them dignifying, in a distinguishing code, the jurisprudence of the several States in the Union.

But in your domestic character do you not also enjoy the most delightful contemplations arising from the Revolution of Seventeen Hundred and Seventy-six?

Can you look on the children of your tenderest care, and reflect on the cheerful prospects opening upon them through life, without feeling the most lively emotions of gratitude for the inestimable privileges conferred on the citizens of America? Are not your resolutions strengthened and your endeavors redoubled to furnish them with every qualification, both mental and personal, for the future service of a country thus rendered dear to you?

But your share of the joy of this day does not rise from a single source. To whom are we more indebted for the origin of our present happiness than to your delicate and discerning sex? In vain did Columbus, our great founder and discoverer, after settling the principles of his sound philosophy, apply to the wise men of his country. In vain did he solicit, in strains of the most suppliant humiliation, the different

thrones of Europe, when kings considered themselves as God's vicegerents here below; despised by the ignorant—traduced by the malevolent — contemned by the great — laughed at by pretended philosophers — and trifled with by the arrogance of ministers and their hirelings; all his hopes and those of a New World had, at last, sunk in despair, and we, this day, might have mingled our fate with the slaves of the Old World, had not the penetrating wisdom and persevering magnanimity of the fair but undaunted Isabella, the ornament of your sex, and the jealousy of ours, saved this Western World from the oblivion of more than five thousand years. Did she employ the excess of useless treasures in this happy adventure? No! — after the refusal of her husband — despising the appendages of brilliant royalty when compared with the general good of mankind, her enlarged mind, incapable of being confined by the shackles of the age, found a resource in her costly jewels, which she freely offered as a pledge to accomplish the glorious discovery of the fourth quarter of the globe!

To your sex, then, ladies, are we obliged to yield the palm: had this great event depended altogether on our sex, it is not easy to guess what our united fate had been at this moment. Instead of our present agreeable employment, we might have been hewers of wood and drawers of water to some mighty Pharaoh whose tender mercies would have been cruelty. Your right, then, my fair auditory, to a large portion of the general joy, must be acknowledged to be of a superior kind.

Do you, my worthy fellow citizens of every description, wish for more lasting matter of pleasure and satisfaction in contemplating the great events brought to your minds this day? Extend, then, your views to a distant period of future time. Look forward a few years, and behold our extended forests (now a pathless wilderness) converted into fruitful

fields and busy towns. Take into view the pleasing shores of our immense lakes, united to the Atlantic States by a thousand winding canals, and beautified with rising cities, crowded with innumerable peaceful fleets, transporting the rich produce from one coast to another.

Add to all this, what must most please every humane and benevolent mind, the ample provision thus made by the God of all flesh for the reception of the nations of the earth flying from the tyranny and oppression of the despots of the Old World, and say if the prophecies of ancient times are not hastening to a fulfilment, when this wilderness shall blossom as a rose, the heathen be given to the Great Redeemer as his inheritance, and these uttermost parts of the earth for his possession.

Who knows but the country for which we have fought and bled may hereafter become a theatre of greater events than yet have been known to mankind?

May these invigorating prospects lead us to the exercise of every virtue, religious, moral, and political. May we be roused to a circumspect conduct,—to an exact obedience to the laws of our own making,—to the preservation of the spirit and principles of our truly invaluable constitution,—to respect and attention to magistrates of our own choice; and finally, by our example as well as precept, add to the real happiness of our fellow men and the particular glory of our common country.

And may these great principles in the end become instrumental in bringing about that happy state of the world when, from every human breast, joined by the grand chorus of the skies, shall arise with the profoundest reverence that divinely celestial anthem of universal praise,—"Glory to God in the highest; peace on earth; good will toward men."

WARREN

JOSEPH WARREN, an American patriot, was born in Roxbury, Massachusetts, June 11, 1741, and after receiving a college education at Harvard studied medicine and began to practise in Boston in 1762. He took an active interest in existing political affairs and was long a prominent member of a secret society of Boston lovers of liberty. In 1772, on the second anniversary of the "Boston Massacre," he was chosen to deliver the civic oration and in 1775 was again the orator of the occasion. In 1775 he was president of the Provincial Congress. After the battle of Lexington he organized the volunteers and received a major-general's commission. At the battle of Bunker Hill, June 17, 1775, he fought as a volunteer and was instantly killed by a ball which struck him in the head at the moment the retreat began. Warren was a man of great force of character and his death was a severe loss to the patriotic cause.

ORATION ON THE BOSTON MASSACRE

[Dr. Warren was undaunted by the threats of the British who had vowed to take the life of anyone daring to deliver an oration upon the anniversary of the Boston massacre. Upon March 6, 1775, the Old South Church being filled to overflowing, Warren made his entrance from the rear of the building through the pulpit window, and unmoved by the array of soldiers and officers before him delivered the oration with a firm and determined purpose.]

MY EVER-HONORED FELLOW CITIZENS,—It is not without the most humiliating conviction of my want of ability that I now appear before you: but the sense I have of the obligation I am under to obey the calls of my country at all times, together with an animating recollection of your indulgence exhibited upon so many occasions, has induced me once more, undeserving as I am, to throw myself upon that candor which looks with kindness on the feeblest efforts of an honest mind.

You will not now expect the elegance, the learning, the fire, the enrapturing strains of eloquence, which charmed you

when a Lovell, a Church, or a Hancock spake; but you will permit me to say that with a sincerity equal to theirs I mourn over my bleeding country. With them I weep at her distress, and with them deeply resent the many injuries she has received from the hands of cruel and unreasonable men.

That personal freedom is the natural right of every man, and that property, or an exclusive right to dispose of what he has honestly acquired by his own labor, necessarily arises therefrom, are truths which common sense has placed beyond the reach of contradiction. And no man or body of men can, without being guilty of flagrant injustice, claim a right to dispose of the persons or acquisitions of any other man or body of men unless it can be proved that such a right has arisen from some compact between the parties in which it has been explicitly and freely granted.

If I may be indulged in taking a retrospective view of the first settlement of our country it will be easy to determine with what degree of justice the late Parliament of Great Britain have assumed the power of giving away that property which the Americans have earned by their labor.

Our fathers, having nobly resolved never to wear the yoke of despotism, and seeing the European world, at that time, through indolence and cowardice, falling a prey to tyranny, bravely threw themselves upon the bosom of the ocean, determined to find a place in which they might enjoy their freedom or perish in the glorious attempt. Approving heaven beheld the favored ark dancing upon the waves, and graciously preserved it until the chosen families were brought in safety to these western regions. They found the land swarming with savages, who threatened death with every kind of torture.

But savages, and death with torture, were far less terrible

than slavery. Nothing was so much the object of their abhorrence as a tyrant's power. They knew it was more safe to dwell with man in his most unpolished state than in a country where arbitrary power prevails. Even anarchy itself, that bugbear held up by the tools of power (though truly to be deprecated), is infinitely less dangerous to mankind than arbitrary government. Anarchy can be but of a short duration; for, when men are at liberty to pursue that course which is more conducive to their own happiness, they will soon come into it; and from the rudest state of nature, order and good government must soon arise. But tyranny, when once established, entails its curses on a nation to the latest period of time; unless some daring genius, inspired by heaven, shall, unappalled by danger, bravely form and execute the arduous designs of restoring liberty and life to his enslaved, murdered country.

The tools of power, in every age, have racked their inventions to justify the few in sporting with the happiness of the many; and, having found their sophistry too weak to hold mankind in bondage, have impiously dared to force religion, the daughter of the King of Heaven, to become a prostitute in the service of hell. They taught that princes, honored with the name of Christian, might bid defiance to the founder of their faith, might pillage pagan countries and deluge them with blood, only because they boasted themselves to be the disciples of that Teacher who strictly charged his followers to do to others as they would that others should do unto them.

This country, having been discovered by an English subject in the year 1620, was (according to the system which the blind superstition of those times supported) deemed the property of the Crown of England. Our ancestors, when they resolved to quit their native soil, obtained from King James a grant

of certain lands in North America. This they probably did to silence the cavils of their enemies, for it cannot be doubted but they despised the pretended right which he claimed thereto. Certain it is that he might with equal propriety and justice have made them a grant of the planet Jupiter. And their subsequent conduct plainly shows that they were too well acquainted with humanity and the principles of natural equity to suppose that the grant gave them any right to take possession; they therefore entered into a treaty with the natives and bought from them the lands. Nor have I ever yet obtained any information that our ancestors ever pleaded, or that the natives ever regarded the grant from the English Crown: the business was transacted by the parties in the same independent manner that it would have been had neither of them ever known or heard of the island of Great Britain.

Having become the honest proprietors of the soil, they immediately applied themselves to the cultivation of it; and they soon beheld the virgin earth teeming with richest fruits, a grateful recompense for their unwearied toil. The fields began to wave with ripening harvests, and the late barren wilderness was seen to blossom like the rose.

The savage natives saw with wonder the delightful change, and quickly formed a scheme to obtain that by fraud or force, which nature meant as the reward of industry alone. But the illustrious emigrants soon convinced the rude invaders that they were not less ready to take the field for battle than for labor; and the insidious foe was driven from their borders as often as he ventured to disturb them.

The Crown of England looked with indifference on the contest; our ancestors were left alone to combat with the natives. Nor is there any reason to believe that it ever was

intended by the one party, or expected by the other, that the grantor should defend and maintain the grantees in the peaceable possession of the lands named in the patents. And it appears plainly from the history of those times that neither the prince nor the people of England thought themselves much interested in the matter. They had not then any idea of a thousandth part of those advantages which they since have, and we are most heartily willing they should still continue to reap from us.

But when, at an infinite expense of toil and blood, this widely extended continent had been cultivated and defended; when the hardy adventurers justly expected that they and their descendants should peaceably have enjoyed the harvest of those fields which they had sown, and the fruit of those vineyards which they had planted, this country was then thought worthy the attention of the British ministry; and the only justifiable and only successful means of rendering the colonies serviceable to Britain were adopted. By an intercourse of friendly offices the two countries became so united in affection that they thought not of any distinct or separate interests, they found both countries flourishing and happy.

Britain saw her commerce extended and her wealth increased; her lands raised to an immense value; her fleets riding triumphant on the ocean; the terror of her arms spreading to every quarter of the globe. The colonist found himself free and thought himself secure: he dwelt under his own vine and under his own fig-tree and had none to make him afraid. He knew, indeed, that by purchasing the manufactures of Great Britain he contributed to its greatness: he knew that all the wealth that his labor produced centred in Great Britain.

But that, far from exciting his envy, filled him with the

highest pleasure; that thought supported him in all his toils. When the business of the day was past, he solaced himself with the contemplation, or perhaps entertained his listening family with the recital of some great, some glorious transaction which shines conspicuous in the history of Britain; or, perhaps, his elevated fancy led him to foretell, with a kind of enthusiastic confidence, the glory, power, and duration of an empire which should extend from one end of the earth to the other. He saw, or thought he saw, the British nation risen to a pitch of grandeur which cast a veil over the Roman glory, and, ravished with the preview, boasted a race of British kings whose names should echo through those realms where Cyrus, Alexander, and the Cæsars were unknown; princes for whom millions of grateful subjects redeemed from slavery and pagan ignorance, should, with thankful tongues, offer up their prayers and praises to that transcendently great and beneficent Being, "by whom kings reign and princes decree justice."

These pleasing connections might have continued; these delightsome prospects might have been every day extended; and even the reveries of the most warm imagination might have been realized; but, unhappily for us, unhappily for Britain, the madness of an avaricious minister of state has drawn a sable curtain over the charming scene, and in its stead has brought upon the stage discord, envy, hatred, and revenge, with civil war close in their rear

Some demon, in an evil hour, suggested to a short-sighted financier the hateful project of transferring the whole property of the king's subjects in America to his subjects in Britain. The claim of the British Parliament to tax the colonies can never be supported but by such a transfer; for the right of the House of Commons of Great Britain to originate any

tax or grant money is altogether derived from their being elected by the people of Great Britain to act for them; and the people of Great Britain cannot confer on their representatives a right to give or grant anything which they themselves have not a right to give or grant personally.

Therefore it follows that if the members chosen by the people of Great Britain to represent them in Parliament have, by virtue of their being so chosen, any right to give or grant American property, or to lay any tax upon the lands or persons of the colonists, it is because the lands and people in the colonies are, *bona fide*, owned by and justly belonging to the people of Great Britain. But (as has been before observed) every man has a right to personal freedom; consequently a right to enjoy what is acquired by his own labor. And it is evident that the property in this country has been acquired by our own labor; it is the duty of the people of Great Britain to produce some compact in which we have explicitly given up to them a right to dispose of our persons or property. Until this is done, every attempt of theirs, or of those whom they have deputed to act for them, to give or grant any part of our property, is directly repugnant to every principle of reason and natural justice

But I may boldly say that such a compact never existed, no, not even in imagination. Nevertheless, the representatives of a nation long famed for justice and the exercise of every noble virtue have been prevailed on to adopt the fatal scheme; and although the dreadful consequences of this wicked policy have already shaken the empire to its centre, yet still it is persisted in. Regardless of the voice of reason; deaf to the prayers and supplications, and unaffected with the flowing tears of suffering millions, the British ministry still hug the darling idol; and every rolling year affords fresh instances of the absurd

devotion with which they worship it. Alas! how has the folly, the distraction of the British councils blasted our swelling hopes and spread a gloom over this western hemisphere.

The hearts of Britons and Americans, which lately felt the generous glow of mutual confidence and love, now burn with jealousy and rage. Though but of yesterday, I recollect (deeply affected at the ill-boding change) the happy hours that passed whilst Britain and America rejoiced in the prosperity and greatness of each other. Heaven grant those halcyon days may soon return! But now the Briton too often looks on the American with an envious eye, taught to consider his just plea for the enjoyment of his earnings as the effect of pride and stubborn opposition to the parent country, whilst the American beholds the Briton as the ruffian, ready first to take away his property, and next, what is still dearer to every virtuous man, the liberty of his country.

When the measures of administration had disgusted the colonies to the highest degree, and the people of Great Britain had, by artifice and falsehood, been irritated against America, an army was sent over to enforce submission to certain acts of the British Parliament which reason scorned to countenance and which placemen and pensioners were found unable to support.

Martial law and the government of a well-regulated city are so entirely different that it has always been considered as improper to quarter troops in populous cities; frequent disputes must necessarily arise between the citizen and the soldier, even if no previous animosities subsist. And it is further certain, from a consideration of the nature of mankind, as well as from constant experience, that standing armies always endanger the liberty of the subject. But when the people, on the one part, considered the army as sent to enslave them, and

the army, on the other, were taught to look on the people as in a state of rebellion, it was but just to fear the most disagreeable consequences. Our fears, we have seen, were but too well grounded.

The many injuries offered to the town I pass over in silence. I cannot now mark out the path which led to that unequalled scene of horror, the sad remembrance of which takes the full possession of my soul. The sanguinary theatre again opens itself to view. The baleful images of terror crowd around me; and discontented ghosts, with hollow groans, appear to solemnize the anniversary of the fifth of March.

Approach we then the melancholy walk of death. Hither let me call the gay companion; here let him drop a farewell tear upon that body which so late he saw vigorous and warm with social mirth; hither let me lead the tender mother to weep over her beloved son — come, widowed mourner, here satiate thy grief; behold thy murdered husband gasping on the ground, and to complete the pompous show of wretchedness, bring in each hand thy infant children to bewail their father's fate — take heed, ye orphan babes, lest, whilst your streaming eyes are fixed upon the ghastly corpse, your feet slide on the stones bespattered with your father's brains!

Enough; this tragedy need not be heightened by an infant weltering in the blood of him that gave it birth. Nature, reluctant, shrinks already from the view, and the chilled blood rolls slowly backward to its fountain. We wildly stare about, and with amazement ask who spread this ruin around us? What wretch has dared deface the image of his God? Has haughty France, or cruel Spain, sent forth her myrmidons? Has the grim savage rushed again from the far distant wilderness; or does some fiend, fierce from the depth of hell, with all the rancorous malice which the apostate damned can feel,

twang her destructive bow and hurl her deadly arrows at our breast?

No, none of these — but, how astonishing! it is the hand of Britain that inflicts the wound! The arms of George, our rightful king, have been employed to shed that blood, when justice, or the honor of his crown, had called his subjects to the field.

But pity, grief, astonishment, with all the softer movements of the soul, must now give way to stronger passions. Say, fellow citizens, what dreadful thought now swells your heaving bosoms; you fly to arms — sharp indignation flashes from each eye — revenge gnashes her iron teeth — death grins a hideous smile, secure to drench his greedy jaws in human gore — whilst hovering furies darken all the air!

But stop, my bold, adventurous countrymen; stain not your weapons with the blood of Britons. Attend to reason's voice; humanity puts in her claim and sues to be again admitted to her wonted seat, the bosom of the brave. Revenge is far beneath the noble mind. Many, perhaps, compelled to rank among the vile assassins, do from their inmost souls detest the barbarous action. The winged death, shot from your arms, may chance to pierce some breast that bleeds already for your injured country.

The storm subsides — a solemn pause ensues — you spare — upon condition they depart. They go — they quit your city — they no more shall give offence. Thus closes the important drama.

And could it have been conceived that we again should have seen a British army in our land, sent to enforce obedience to acts of Parliament destructive of our liberty? But the royal ear, far distant from this western world, has been assaulted by the tongue of slander; and villains, traitorous alike to king

and country, have prevailed upon a gracious prince to clothe his countenance with wrath and to erect the hostile banner against a people ever affectionate and loyal to him and his illustrious predecessors of the House of Hanover.

Our streets are again filled with armed men; our harbor is crowded with ships of war; but these cannot intimidate us; our liberty must be preserved; it is far dearer than life — we hold it even dear as our allegiance; we must defend it against the attacks of friends as well as enemies; we cannot suffer even Britons to ravish it from us.

No longer could we reflect, with generous pride, on the heroic actions of our American forefathers; no longer boast our origin from that far-famed island whose warlike sons have so often drawn their well-tried swords to save her from the ravages of tyranny; could we, but for a moment, entertain the thought of giving up our liberty. The man who meanly will submit to wear a shackle contemns the noblest gift of heaven and impiously affronts the God that made him free.

It was a maxim of the Roman people, which eminently conduced to the greatness of that state, never to despair of the commonwealth. The maxim may prove as salutary to us now as it did to them. Short-sighted mortals see not the numerous links of small and great events which form the chain on which the fate of kings and nations is suspended. Ease and prosperity, though pleasing for a day, have often sunk a people into effeminacy and sloth. Hardships and dangers, though we forever strive to shun them, have frequently called forth such virtues as have commanded the applause and reverence of an admiring world. Our country loudly calls you to be circumspect, vigilant, active, and brave.

Perhaps (all gracious heaven avert it), perhaps the power of Britain, a nation great in war, by some malignant influence

may be employed to enslave you; but let not even this discourage you. Her arms, 'tis true, have filled the world with terror; her troops have reaped the laurels of the field; her fleets have rode triumphant on the sea; and when or where did you, my countrymen, depart inglorious from the field of fight? You, too, can show the trophies of your forefathers' victories and your own; can name the fortresses and battles you have won; and many of you count the honorable scars of wounds received whilst fighting for your king and country.

Where justice is the standard, heaven is the warrior's shield: but conscious guilt unnerves the arm that lifts the sword against the innocent. Britain, united with these colonies by commerce and affection, by interest and blood, may mock the threats of France and Spain; may be the seat of universal empire. But should America, either by force or those more dangerous engines, luxury and corruption, ever be brought into a state of vassalage, Britain must lose her freedom also. No longer shall she sit the empress of the sea; her ships no more shall waft her thunders over the wide ocean; the wreath shall wither on her temples; her weakened arm shall be unable to defend her coasts; and she at last must bow her venerable head to some proud foreigner's despotic rule.

But if, from past events, we may venture to form a judgment of the future, we justly may expect that the devices of our enemies will but increase the triumphs of our country. I must indulge a hope that Britain's liberty, as well as ours, will eventually be preserved by the virtue of America.

The attempt of the British Parliament to raise a revenue from America, and our denial of their right to do it, have excited an almost universal inquiry into the right of mankind in general, and of British subjects in particular; the necessary

result of which must be such a liberality of sentiment and such a jealousy of those in power as will, better than an adamantine wall, secure us against the future approaches of despotism.

The malice of the Boston port-bill has been defeated, in a very considerable degree, by giving you an opportunity of deserving, and our brethren in this and our sister colonies an opportunity of bestowing those benefactions which have delighted your friends and astonished your enemies, not only in America, but in Europe also. And what is more valuable still, the sympathetic feelings for a brother in distress, and the grateful emotions excited in the breast of him who finds relief, must forever endear each to the other and form those indissoluble bonds of friendship and affection on which the preservation of our rights so evidently depend.

The mutilation of our charter has made every other colony jealous for its own; for this, if once submitted to by us, would set on float the property and government of every British settlement upon the continent. If charters are not deemed sacred, how miserably precarious is everything founded upon them!

Even the sending troops to put these acts in execution is not without advantage to us. The exactness and beauty of their discipline inspire our youth with ardor in the pursuit of military knowledge. Charles the Invincible taught Peter the Great the art of war. The battle of Pultowa convinced Charles of the proficiency Peter had made.

Our country is in danger, but not to be despaired of. Our enemies are numerous and powerful; but we have many friends determining to be free, and heaven and earth will aid the resolution. On you depend the fortunes of America. You are to decide the important question on which rest the happiness and liberty of millions yet unborn. Act worthy

of yourselves. The faltering tongue of hoary age calls on you to support your country. The lisping infant raises its suppliant hands imploring defence against the monster slavery. Your fathers look from their celestial seats with smiling approbation on their sons, who boldly stand forth in the cause of virtue; but sternly frown upon the inhuman miscreant who, to secure the loaves and fishes to himself, would breed a serpent to destroy his children.

But, pardon me, my fellow citizens, I know you want not zeal or fortitude. You will maintain your rights or perish in the generous struggle. However difficult the combat, you never will decline it when freedom is the prize. An independence of Great Britain is not our aim. No, our wish is that Britain and the colonies may, like the oak and ivy, grow and increase in strength together. But whilst the infatuated plan of making one part of the empire slaves to the other is persisted in, the interests and safety of Britain, as well as the colonies, require that the wise measures recommended by the honorable the Continental Congress be steadily pursued; whereby the unnatural contest between a parent honored and a child beloved may probably be brought to such an issue as that the peace and happiness of both may be established upon a lasting basis. But if these pacific measures are ineffectual, and it appears that the only way to safety is through fields of blood, I know you will not turn your faces from your foes, but will, undauntedly, press forward until tyranny is trodden under foot, and you have fixed your adored goddess, Liberty, fast by a Brunswick's side, on the American throne.

You then, who have nobly espoused your country's cause, who generously have sacrificed wealth and ease; who have despised the pomp and show of tinselled greatness; refused the summons to the festive board; been deaf to the alluring calls

of luxury and mirth; who have forsaken the downy pillow to keep your vigils by the midnight lamp for the salvation of your invaded country, that you might break the fowler's snare and disappoint the vulture of his prey — you then will reap that harvest of renown which you so justly have deserved. Your country shall pay her grateful tribute of applause. Even the children of your most inveterate enemies, ashamed to tell from whom they sprang, while they, in secret, curse their stupid, cruel parents, shall join the general voice of gratitude to those who broke the fetters which their fathers forged.

Having redeemed your country, and secured the blessing to future generations, who, fired by your example, shall emulate your virtues and learn from you the heavenly art of making millions happy; with heartfelt joy, with transports all your own, you cry, the glorious work is done; then drop the mantle to some young Elisha, and take your seats with kindred spirits in your native skies!

WILSON

JAMES WILSON, one of the signers of the Declaration of Independence, was born near Saint Andrew's, Scotland, in 1742. After obtaining his education at the Universities of Glasgow, Saint Andrew's, and Edinburgh, he emigrated to Pennsylvania in 1766, studied law in Philadelphia, and was admitted to the bar in 1768. He took a very active interest in political affairs and just before the opening of the first Continental Congress published anonymously a strong pamphlet entitled "Considerations on the Nature and Extent of the Legislative Authority of the British Parliament." Wilson was three times a member of the Continental Congress and rendered services of a most valuable nature to his adopted country at the period of the formation of the federal constitution. He belonged to the committee which drafted the constitution and sat in the Pennsylvania convention which ratified it. In 1789 he was appointed associate justice of the United States Supreme Court, and in 1790 became the first professor of law in the University of Pennsylvania. He died at Edenton, North Carolina, August 28, 1798. Wilson was the author, in addition to the pamphlet named, of a "Public Address to the Citizens of Philadelphia" (1784); "Commentaries on the United States Constitution" (with T. McKean) (1792). A three-volume edition of his writings, including lectures, speeches, and orations, was issued in 1804, and one in two volumes, edited by J. Andrews, in 1896.

VINDICATION OF THE COLONIES

[The king, in his speech at the opening of Parliament in November, 1774, informed that assembly that "a most daring spirit of resistance and disobedience still prevailed in Massachusetts and had broken forth in fresh violences of a criminal nature; that the most proper and effectual methods had been taken to prevent these mischiefs; and that they, the Parliament, might depend upon a firm resolution to withstand every attempt to weaken or impair the supreme authority of Parliament over all the dominions of the Crown." The following speech in reference to this declaration of the king was delivered by Mr. Wilson, in January, 1775, in the Convention for the Province of Pennsylvania.]

MR. CHAIRMAN.— Whence, sir, proceeds all the invidious and ill-grounded clamor against the colonists of America? Why are they stigmatized in Britian as licentious and ungovernable? Why is their virtuous opposition to the illegal attempts of their governors represented

under the falsest colors and placed in the most ungracious point of view? This opposition, when exhibited in its true light, and when viewed with unjaundiced eyes from a proper situation and at a proper distance, stands confessed the lovely offspring of freedom. It breathes the spirit of its parent.

Of this ethereal spirit the whole conduct, and particularly the late conduct of the colonists has shown them eminently possessed. It has animated and regulated every part of their proceedings. It has been recognized to be genuine by all those symptoms and effects by which it has been distinguished in other ages and other countries. It has been calm and regular: it has not acted without occasion: it has not acted disproportionately to the occasion. As the attempts, open or secret, to undermine or to destroy it, have been repeated or enforced; in a just degree its vigilance and its vigor have been exerted to defeat or to disappoint them. As its exertions have been sufficient for those purposes hitherto, let us hence draw a joyful prognostic that they will continue sufficient for those purposes hereafter. It is not yet exhausted; it will still operate irresistibly whenever a necessary occasion shall call forth its strength.

Permit me, sir, by appealing in a few instances to the spirit and conduct of the colonists, to evince that what I have said of them is just. Did they disclose any uneasiness at the proceedings and claims of the British Parliament before those claims and proceedings afforded a reasonable cause for it? Did they even disclose any uneasiness when a reasonable cause for it was first given?

Our rights were invaded by their regulations of our internal policy. We submitted to them: we were unwilling to oppose them. The spirit of liberty was slow to act. When those invasions were renewed; when the efficacy and malignancy of

them were attempted to be redoubled by the Stamp Act; when chains were formed for us and preparations were made for riveting them on our limbs, what measures did we pursue? The spirit of liberty found it necessary now to act: but she acted with the calmness and decent dignity suited to her character. Were we rash or seditious? Did we discover want of loyalty to our sovereign? Did we betray want of affection to our brethren in Britain? Let our dutiful and reverential petitions to the throne — let our respectful, though firm, remonstrances to the Parliament — let our warm and affectionate addresses to our brethren and (we will still call them) our friends in Great Britain — let all those, transmitted from every part of the continent, testify the truth. By their testimony let our conduct be tried.

As our proceedings during the existence and operation of the Stamp Act prove fully and incontestably the painful sensations that tortured our breasts from the prospect of disunion with Britian, the peals of joy which burst forth universally upon the repeal of that odious statute loudly proclaim the heartfelt delight produced in us by a reconciliation with her. Unsuspicious, because undesigning, we buried our complaints and the causes of them in oblivion, and returned with eagerness to our former unreserved confidence. Our connection with our parent country, and the reciprocal blessings resulting from it to her and to us, were the favorite and pleasing topics of our public discourses and our private conversations. Lulled in delightful security, we dreamed of nothing but increasing fondness and friendship, cemented and strengthened by a kind and perpetual communication of good offices.

Soon, however, too soon, were we awakened from the soothing dreams! Our enemies renewed their designs against us, not with less malice, but with more art. Under the plausible

pretence of regulating our trade, and, at the same time, of making provision for the administration of justice and the support of government in some of the colonies, they pursued their scheme of depriving us of our property without our consent.

As the attempts to distress us, and to degrade us to a rank inferior to that of freemen, appeared now to be reduced into a regular system, it became proper on our part to form a regular system for counteracting them. We ceased to import goods from Great Britain. Was this measure dictated by selfishness or by licentiousness? Did it not injure ourselves while it injured the British merchants and manufacturers? Was it inconsistent with the peaceful demeanor of subjects to abstain from making purchases when our freedom and our safety rendered it necessary for us to abstain from them?

A regard for our freedom and our safety was our only motive; for no sooner had the Parliament, by repealing part of the revenue laws, inspired us with the flattering hopes that they had departed from their intentions of oppressing and of taxing us, than we forsook our plan for defeating those intentions and began to import as formerly. Far from being peevish or captious, we took no public notice even of their declaratory law of dominion over us: our candor led us to consider it as a decent expedient of retreating from the actual exercise of that dominion.

But, alas! the root of bitterness still remained. The duty on tea was reserved to furnish occasion to the ministry for a new effort to enslave and to ruin us; and the East India Company were chosen and consented to be the detested instruments of ministerial despotism and cruelty. A cargo of their tea arrived at Boston. By a low artifice of the governor, and by the wicked activity of the tools of government,

it was rendered impossible to store it up or to send it back, as was done at other places. A number of persons, unknown, destroyed it.

Let us here make a concession to our enemies: let us suppose that the transaction deserves all the dark and hideous colors in which they have painted it: let us even suppose (for our cause admits of an excess of candor) that all their exaggerated accounts of it were confined strictly to the truth; what will follow? Will it follow that every British colony in America, or even the colony of Massachusetts Bay, or even the town of Boston, in that colony, merits the imputation of being factious and seditious? Let the frequent mobs and riots that have happened in Great Britain upon much more trivial occasions shame our calumniators into silence. Will it follow, because the rules of order and regular government were in that instance, violated by the offenders, that for this reason the principles of the constitution and the maxims of justice must be violated by their punishment? Will it follow, because those who were guilty could not be known, that therefore those who were known not to be guilty must suffer? Will it follow that even the guilty should be condemned without being heard — that they should be condemned upon partial testimony, upon the representations of their avowed and embittered enemies? Why were they not tried in courts of justice known to the constitution and by juries of their neighborhood?

Their courts and their juries were not, in the case of Captain Preston, transported beyond the bounds of justice by their resentment: why, then, should it be presumed that in the case of those offenders they would be prevented from doing justice by their affection? But the colonists, it seems, must be stripped of their judicial as well as of their legisla-

tive powers. They must be bound by a legislature, they must be tried by a jurisdiction, not their own. Their constitutions must be changed: their liberties must be abridged: and those who shall be most infamously active in changing their constitutions and abridging their liberties must, by an express provision, be exempted from punishment.

I do not exaggerate the matter, sir, when I extend these observations to all the colonists. The Parliament meant to extend the effects of their proceedings to all the colonists. The plan on which their proceedings are formed extends to them all. From an incident of no very uncommon or atrocious nature, which happened in one colony, in one town in that colony, and in which only a few of the inhabitants of that town took a part, an occasion has been taken by those who probably intended it, and who certainly prepared the way for it, to impose upon that colony, and to lay a foundation and a precedent for imposing upon all the rest, a system of statutes, arbitrary, unconstitutional, oppressive, in every view, and in every degree subversive of the rights, and inconsistent with even the name of freemen.

Were the colonists so blind as not to discern the consequences of these measures? Were they so supinely inactive as to take no steps for guarding against them? They were not. They ought not to have been so. We saw a breach made in those barriers which our ancestors, British and American, with so much care, with so much danger, with so much treasure, and with so much blood, had erected, cemented, and established for the security of their liberties, and — with filial piety let us mention it — of ours. We saw the attack actually begun upon one part: ought we to have folded our hands in indolence, to have lulled our eyes in slumbers, till the attack was carried on so as to become irresistible in every part?

Sir, I presume to think not. We were roused; we were alarmed, as we had reason to be. But still our measures have been such as the spirit of liberty and of loyalty directed; not such as a spirit of sedition or of disaffection would pursue. Our counsels have been conducted without rashness and faction: our resolutions have been taken without frenzy or fury.

That the sentiments of every individual concerning that important object, his liberty, might be known and regarded, meetings have been held and deliberations carried on in every particular district. That the sentiments of all those individuals might gradually and regularly be collected into a single point, and the conduct of each inspired and directed by the result of the whole united; county committees, provincial conventions, a Continental Congress have been appointed, have met and resolved. By this means a chain—more inestimable, and, while the necessity for it continues, we hope more indissoluble than one of gold — a chain of freedom has been formed of which every individual in these colonies who is willing to preserve the greatest of human blessings, his liberty, has the pleasure of beholding himself a link.

Are these measures, sir, the brats of disloyalty, of disaffection? There are miscreants among us, wasps that suck poison from the most salubrious flowers, who tell us they are. They tell us that all those assemblies are unlawful, and unauthorized by our constitutions; and that all their deliberations and resolutions are so many transgressions of the duty of subjects. The utmost malice brooding over the utmost baseness, and nothing but such a hated commixture, must have hatched this calumny.

Do not those men know — would they have others not to know — that it was impossible for the inhabitants of the same province, and for the legislatures of the different provinces,

to communicate their sentiments to one another in the modes appointed for such purposes by their different constitutions? Do not they know — would they have others not to know — that all this was rendered impossible by those very persons who now, or whose minions now, urge this objection against us? Do not they know — would they have others not to know — that the different assemblies, who could be dissolved by the governors, were, in consequence of ministerial mandates, dissolved by them whenever they attempted to turn their attention to the greatest objects which, as guardians of the liberty of their constituents, could be presented to their view?

The arch enemy of the human race torments them only for those actions to which he has tempted, but to which he has not necessarily obliged them. Those men refine even upon infernal malice: they accuse, they threaten us (superlative impudence!) for taking those very steps which we were laid under the disagreeable necessity of taking by themselves, or by those in whose hateful service they are enlisted. But let them know that our counsels, our deliberations, our resolutions, if not authorized by the forms, because that was rendered impossible by our enemies, are nevertheless authorized by that which weighs much more in the scale of reason — by the spirit of our constitutions. Was the convention of the barons at Runnymede, where the tyranny of John was checked and Magna Charta was signed, authorized by the forms of the constitution? Was the convention Parliament that recalled Charles the Second and restored the monarchy authorized by the forms of the constitution? Was the convention of Lords and Commons that placed King William on the throne, and secured the monarchy and liberty likewise, authorized by the forms of the constitution. I cannot con-

ceal my emotions of pleasure when I observe that the objections of our adversaries cannot be urged against us but in common with those venerable assemblies whose proceedings formed such an accession to British liberty and British renown.

The resolutions entered into, and the recommendations given, by the Continental Congress, have stamped in the plainest characters the genuine and enlightened spirit of liberty upon the conduct observed and the measures pursued in consequence of them. As the invasions of our rights have become more and more formidable, our opposition to them has increased in firmness and vigor in a just, and in no more than a just, proportion.

We will not import goods from Great Britain or Ireland: in a little time we will suspend our exportations to them; and, if the same illiberal and destructive system of policy be still carried on against us, in a little time more we will not consume their manufactures. In that colony, where the attacks have been most open, immediate, and direct, some further steps have been taken, and those steps have met with the deserved approbation of the other provinces.

Is this scheme of conduct allied to rebellion? Can any symptoms of disloyalty to his majesty, of disinclination to his illustrious family, or of disregard to his authority, be traced in it? Those who would blend, and whose crimes have made it necessary for them to blend, the tyrannic acts of administration with the lawful measures of government, and to veil every flagitious procedure of the ministry under the venerable mantle of majesty, pretend to discover, and employ their emissaries to publish the pretended discovery of such symptoms.

We are not, however, to be imposed upon by such shallow

artifices. We know that we have not violated the laws or the constitution; and that therefore we are safe as long as the laws retain their force and the constitution its vigor; and that, whatever our demeanor be, we cannot be safe much longer. But another object demands our attention.

We behold, sir, with the deepest anguish we behold, that our opposition has not been as effectual as it has been constitutional. The hearts of our oppressors have not relented: our complaints have not been heard: our grievances have not been redressed: our rights are still invaded: and have we no cause to dread that the invasions of them will be enforced in a manner against which all reason and argument and all opposition of every peaceful kind will be vain? Our opposition has hitherto increased with our oppression; shall it, in the most desperate of all contingencies, observe the same proportion?

Let us pause, sir, before we give an answer to this question. The fate of us, the fate of millions now alive, the fate of millions yet unborn, depend upon the answer. Let it be the result of calmness and intrepidity; let it be dictated by the principles of loyalty and the principles of liberty. Let it be such as never, in the worst events, to give us reason to reproach ourselves, or others reason to reproach us, for having done too much or too little.

Perhaps the following resolution may be found not altogether unbefitting our present situation. With the greatest deference I submit it to the mature consideration of this assembly:

"That the act of the British Parliament for altering the charter and constitution of the colony of Massachusetts Bay, and those 'for the impartial administration of justice' in that colony, for shutting the port of Boston, and for quartering

soldiers on the inhabitants of the colonies, are unconstitutional and void, and can confer no authority upon those who act under color of them. That the Crown cannot, by its prerogative, alter the charter or constitution of that colony: that all attempts to alter the said charter or constitution, unless by the authority of the legislature of that colony, are manifest violations of the rights of that colony and illegal: that all force employed to carry such unjust and illegal attempts into execution is force without authority: that it is the right of British subjects to resist such force: that this right is founded both upon the letter and the spirit of the British constitution."

To prove, at this time, that those acts are unconstitutional and void is, I apprehend, altogether unnecessary. The doctrine has been proved fully on other occasions, and has received the concurring assent of British America. It rests upon plain and indubitable truths. We do not send members to the British Parliament: we have Parliaments (it is immaterial what name they go by) of our own.

That a void act can confer no authority upon those who proceed under color of it is a self-evident proposition.

Before I proceed to the other clauses I think it useful to recur to some of the fundamental maxims of the British constitution, upon which, as upon a rock, our wise ancestors erected that stable fabric against which the gates of hell have not hitherto prevailed. Those maxims I shall apply fairly, and, I flatter myself, satisfactorily to evince every particular contained in the resolution.

The government of Britain, sir, was never an arbitrary government; our ancestors were never inconsiderate enough to trust those rights which God and nature had given them unreservedly into the hands of their princes. However difficult it may be, in other states, to prove an original contract subsisting in any other manner and on any other conditions

than are naturally and necessarily implied in the very idea of the first institution of a state, it is the easiest thing imaginable, since the Revolution of 1688, to prove it in our constitution and to ascertain some of the material articles of which it consists.

It has been often appealed to: it has been often broken, at least on one part: it has been often renewed: it has been often confirmed: it still subsists in its full force: "it binds the king as much as the meanest subject." The measures of his power and the limits beyond which he cannot extend it are circumscribed and regulated by the same authority, and with the same precision, as the measures of the subject's obedience; and the limits beyond which he is under no obligation to practise it are fixed and ascertained. Liberty is, by the constitution, of equal stability, of equal antiquity, and of equal authority with prerogative. The duties of the king and those of the subject are plainly reciprocal: they can be violated on neither side unless they be performed on the other. The law is the common standard by which the excesses of prerogative as well as the excesses of liberty are to be regulated and reformed.

Of this great compact between the king and his people one essential article to be performed on his part is, that in those cases where provision is expressly made and limitations set by the laws his government shall be conducted according to those provisions and restrained according to those limitations; that in those cases which are not expressly provided for by the laws it shall be conducted by the best rules of discretion, agreeably to the general spirit of the laws and subserviently to their ultimate end — the interest and happiness of his subjects; that in no case it shall be conducted contrary to the express or to the implied principles of the constitution.

These general maxims, which we may justly consider as fundamentals of our government, will, by a plain and obvious application of them to the parts of the resolution remaining to be proved, demonstrate them to be strictly agreeable to the laws and constitution.

We can be at no loss in resolving that the king cannot, by his prerogative, alter the charter or constitution of the colony of Massachusetts Bay. Upon what principle could such an exertion of prerogative be justified? On the acts of Parliament? They are already proved to be void. On the discretionary power which the king has of acting where the laws are silent? That power must be subservient to the interest and happiness of those concerning whom it operates. But I go further. Instead of being supported by law or the principles of prerogative, such an alteration is totally and absolutely repugnant to both. It is contrary to express law. The charter and constitution we speak of are confirmed by the only legislative power capable of confirming them; and no other power but that which can ratify can destroy. If it is contrary to express law, the consequence is necessary that it is contrary to the principles of prerogative; for prerogative can operate only when the law is silent.

In no view can this alteration be justified or so much as excused. It cannot be justified or excused by the acts of Parliament; because the authority of Parliament does not extend to it: it cannot be justified or excused by the operation of prerogative; because this is none of the cases in which prerogative can operate: it cannot be justified or excused by the legislative authority of the colony; because that authority never has been, and I presume never will be, given for any such purpose.

If I have proceeded hitherto, as I am persuaded I have,

upon safe and sure ground, I can with great confidence advance a step further and say that all attempts to alter the charter or constitution of that colony, unless by the authority of its own legislature, are violations of its rights, and illegal.

If those attempts are illegal, must not all force employed to carry them into execution be force employed against law and without authority? The conclusion is unavoidable.

Have not British subjects, then, a right to resist such force — force acting with authority — force employed contrary to law — force employed to destroy the very existence of law and of liberty? They have, sir; and this right is secured to them both by the letter and the spirit of the British constitution, by which the measures and the conditions of their obedience are appointed. The British liberties, sir, and the means and the right of defending them, are not the grants of princes; and of what our princes never granted they surely can never deprive us.

I beg leave here to mention and to obviate some plausible but ill-founded objections that have been and will be held forth by our adversaries against the principles of the resolution now before us. It will be observed that those employed for bringing about the proposed alteration in the charter and constitution of the colony of Massachusetts Bay act by virtue of a commission for that purpose from his Majesty; that all resistance of forces commissioned by his Majesty is resistance of his Majesty's authority and government, contrary to the duty of allegiance, and treasonable. These objections will be displayed in their most specious colors; every artifice of chicanery and sophistry will be put in practice to establish them; law authorities, perhaps, will be quoted and tortured to prove them. Those principles of our constitution which were designed to preserve and to secure the liberty of the people,

and, for the sake of that, the tranquillity of government, will be perverted on this, as they have been on many other occasions, from their true intention, and will be made use of for the contrary purpose of endangering the latter and destroying the former. The names of the most exalted virtues on one hand, and of the most atrocious crimes on the other, will be employed in direct contradiction to the nature of those virtues and of those crimes; and in this manner those who cannot look beyond names will be deceived, and those whose aim it is to deceive by names will have an opportunity of accomplishing it. But, sir, this disguise will not impose upon us. We will look to things as well as to names; and, by doing so, we shall be fully satisfied that all those objections rest upon mere verbal sophistry and have not even the remotest alliance with the principles of reason or of law.

In the first place, then, I say that the persons who allege that those employed to alter the charter and constitution of Massachusetts Bay act by virtue of a commission from his Majesty for that purpose, speak improperly and contrary to the truth of the case. I say they act by virtue of no such commission; I say it is impossible they can act by virtue of such a commission. What is called a commission either contains particular directions for the purpose mentioned or it contains no such particular directions. In either case can those who act for that purpose act by virtue of a commission? In one case what is called a commission is void; it has no legal existence; it can communicate no authority. In the other case it extends not to the purpose mentioned. The latter point is too plain to be insisted on; I prove the former.

"*Id rex potest,*" says the law, "*quod de jure potest.*" The king's power is a power according to law. His commands, if the authority of Lord Chief Justice Hale may be depended

upon, are under the directive power of the law, and consequently invalid if unlawful. "Commissions," says my Lord Coke, "are legal, and are like the king's writs; and none are lawful but such as are allowed by the common law or warranted by some act of Parliament."

Let us examine any commission expressly directing those to whom it is given to use military force for carrying into execution the alterations proposed to be made in the charter and constitution of Massachusetts Bay, by the foregoing maxims and authorities; and what we have said concerning it will appear obvious and conclusive. It is not warranted by any act of Parliament, because, as has been mentioned on this and has been proved on other occasions, any such act is void. It is not warranted, and I believe it will not be pretended that it is warranted, by the common law. It is not warranted by the royal prerogative, because, as has already been fully shown, it is diametrically opposite to the principles and the ends of prerogative. Upon what foundation, then, can it lean and be supported? Upon none. Like an enchanted castle it may terrify those whose eyes are affected by the magic influence of the sorcerers, despotism and slavery; but so soon as the charm is dissolved, and the genuine rays of liberty and of the constitution dart in upon us, the formidable appearance vanishes, and we discover that it was the baseless fabric of a vision, that never had any real existence.

I have dwelt the longer upon this part of the objections urged against us by our adversaries, because this part is the foundation of all the others. We have now removed it; and they must fall of course. For if the force acting for the purposes we have mentioned does not act, and cannot act, by virtue of any commission from his Majesty, the consequence is undeniable that it acts without his Majesty's authority; that

the resistance of it is no resistance of his Majesty's authority, nor incompatible with the duties of allegiance.

And now, sir, let me appeal to the impartial tribunal of reason and truth; let me appeal to every unprejudiced and judicious observer of the laws of Britain and of the constitution of the British government; let me appeal, I say, whether the principles on which I argue, or the principles on which alone my arguments can be opposed, are those which ought to be adhered to and acted upon; which of them are most consonant to our laws and liberties; which of them have the strongest, and are likely to have the most effectual tendency to establish and secure the royal power and dignity.

Are we deficient in loyalty to his Majesty? Let our conduct convict, for it will fully convict, the insinuation that we are, of falsehood. Our loyalty has always appeared in the true form of loyalty,— in obeying our sovereign according to law: let those who would require it in any other form know that we call the persons who execute his commands, when contrary to law, disloyal and traitors. Are we enemies to the power of the Crown?

No, sir, we are its best friends: this friendship prompts us to wish that the power of the Crown may be firmly established on the most solid basis; but we know that the constitution alone will perpetuate the former and securely uphold the latter.

Are our principles irreverent to Majesty? They are quite the reverse: we ascribe to it perfection almost divine. We say that the king can do no wrong: we say that to do wrong is the property, not of power, but of weakness. We feel oppression and will oppose it; but we know, for our constitution tells us, that oppression can never spring from the throne. We must therefore search elsewhere for its source:

our infallible guide will direct us to it. Our constitution tells us that all oppression springs from the ministers of the throne. The attributes of perfection ascribed to the king are neither by the constitution nor in fact communicable to his ministers. They may do wrong; they have often done wrong; they have been often punished for doing wrong.

Here we may discern the true cause of all the impudent clamor and unsupported accusations of the ministers and of their minions, that have been raised and made against the conduct of the Americans. Those ministers and minions are sensible that the opposition is directed, not against his Majesty, but against them; because they have abused his Majesty's confidence, brought discredit upon his government, and derogated from his justice. They see the public vengeance collected in dark clouds around them: their consciences tell them that it should be hurled, like a thunderbolt, at their guilty heads.

Appalled with guilt and fear, they skulk behind the throne. Is it disrespectful to drag them into public view and make a distinction between them and his Majesty, under whose venerable name they daringly attempt to shelter their crimes? Nothing can more effectually contribute to establish his Majesty on the throne, and to secure to him the affections of his people, than this distinction. By it we are taught to consider all the blessings of government as flowing from the throne, and to consider every instance of oppression as proceeding, which in truth is oftenest the case, from the ministers.

If, now, it is true that all force employed for the purposes so often mentioned is force unwarranted by any act of Parliament, unsupported by any principle of the common law, unauthorized by any commission from the Crown; that, instead of being employed for the support of the constitution

and his Majesty's government, it must be employed for the support of oppression and ministerial tyranny; if all this is true (and I flatter myself it appears to be true), can any one hesitate to say that to resist such force is lawful, and that both the letter and the spirit of the British constitution justify such resistance?

Resistance, both by the letter and the spirit of the British constitution, may be carried further, when necessity requires it, than I have carried it. Many examples in the English history might be adduced, and many authorities of the greatest weight might be brought to show that when the king, forgetting his character and his dignity, has stepped forth and openly avowed and taken a part in such iniquitous conduct as has been described; in such cases, indeed, the distinction above mentioned, wisely made by the constitution for the security of the Crown, could not be applied; because the Crown had unconstitutionally rendered the application of it impossible. What has been the consequence? The distinction between him and his ministers has been lost; but they have not been raised to his situation: he has sunk to theirs.

DRAYTON

WILLIAM HENRY DRAYTON, an American statesman, was born at Drayton Hall on the Ashley River, South Carolina, in September, 1742. In his eleventh year he was taken to England to be educated, and studied at Westminster School and Balliol College, Oxford University. He returned to South Carolina in 1764, and after studying history and law was admitted to the bar. He took a keen interest in politics and in 1769 published letters in the "South Carolina Gazette" over the signature "Freeman," strongly condemning certain doings of the patriotic party. The next year he left the province in disgust, and, going to England, republished the letters there, was presented at court, and in February, 1771, was appointed a member of the council of South Carolina. He returned to the colony a year later, entering upon his duties in April, 1773, but as the political situation grew tenser he frequently found himself in opposition to the officers of the crown. The royal council, hoping for his continued support, appointed him assistant judge in 1774, but very soon after this Drayton published a pamphlet signed "Freeman," setting forth the American grievances, in a spirit directly opposed to his earlier writings over the same signature. His action gave great offence to the royalist party, and Drayton was subsequently suspended from the offices he held under the crown. In the following year he became a president of the Committee of Safety and president of the Provincial Congress also, and after the adoption of a constitution pro tempore was chief justice of South Carolina. In his charge to the grand jury of Charleston, on April 22, 1776, he declared that the king had no longer any authority in South Carolina, and his other charges delivered that year to the same effect produced a great impression both at home and in the mother country. In 1778 he entered the Continental Congress, of which he remained an active member until his death at Philadelphia, September 3, 1779. His manuscript account of the events of that period was issued by his son in 1821, with biographical details, as "Memoirs of the American Revolution."

CHARGE TO THE GRAND JURY

DELIVERED AT CHARLESTON, SOUTH CAROLINA, APRIL 23, 1776

GENTLEMEN OF THE GRAND JURY,—When, by evil machinations tending to nothing less than absolute tyranny, trials by jury have been discontinued, and juries, in discharge of their duty, have assembled, and as soon as met, as silently and arbitrarily dismissed without being impanelled, whereby, in contempt of Magna Charta,

justice has been delayed and denied it cannot but afford to every good citizen the most sincere satisfaction once more to see juries, as they now are, legally impanelled, to the end that the laws may be duly administered—I do most heartily congratulate you upon so important an event.

In this court, where silence has but too long presided, with a direct purpose to loosen the bands of government, that this country might be involved in anarchy and confusion, you are now met to regulate your verdicts under a new constitution of government independent of royal authority. A constitution which arose according to the great law of nature and of nations, and which was established in the late Congress on the 26th of March last — a day that will be ever memorable in this country — a month remarkable in our history for having given birth to the original constitution of our government in the year 1669; for being the era of the American calamities by the Stamp Act in the year 1765; for being the date of the repeal of that act in the following year; and for the conclusion of the famous siege of Boston, when the American arms compelled General Howe, a general of the first reputation in the British service, with the largest, best-disciplined, and best-provided army in that service, supported by a formidable fleet, so precipitately to abandon the most impregnable fortifications in America as that he left behind him a great part of the bedding, military stores, and cannon of the army. And for so many important events is the month of March remarkable in our annals.

But I proceed to lay before you the principal causes leading to the late revolution of our government — the law upon the point — and the benefits resulting from that happy and necessary establishment. The importance of the transaction deserves such a state — the occasion demands, and our future

welfare requires it. To do this may take up some little time; but the subject is of the highest moment and worthy of your particular attention. I will therefore confine my discourse to that great point; and, after charging you to attend to the due observance of the jury law and the patrol and negro acts, forbearing to mention the other common duties of a grand jury, I will expound to you the constitution of your country.

The house of Brunswick was yet scarcely settled in the British throne, to which it had been called by a free people, when, in the year 1719, our ancestors in this country, finding that the government of the lords proprietors operated to their ruin, exercised the rights transmitted to them by their forefathers of England, and, casting off the proprietary authority, called upon the house of Brunswick to rule over them — a house elevated to royal dominion for no other purpose than to preserve to a people their inalienable rights.

The king accepted the invitation, and thereby indisputably admitted the legality of that revolution. And in so doing, by his own act, he vested in those our forefathers and us their posterity, a clear right to effect another revolution if ever the government of the house of Brunswick should operate to the ruin of the people. So the excellent Roman emperor, Trajan, delivered a sword to Saburanus, his captain of the Prætorian guard, with this admired sentence: "Receive this sword, and use it to defend me if I govern well, but against me if I behave ill."

With joyful acclamations our ancestors, by act of Assembly passed on the 18th day of August, 1721, recognized the British monarch: The virtues of the second George are still revered among us; he was the father of his people, and it was with ecstasy we saw his grandson, George the Third, mount the throne possessed of the hearts of his subjects.

But alas! almost with the commencement of his reign his subjects felt causes to complain of government. The reign advanced — the grievances became more numerous and intolerable — the complaints more general and loud — the whole empire resounded with the cries of injured subjects! At length, grievances being unredressed and ever increasing; all patience being borne down; all hope destroyed; all confidence in royal government blasted! — Behold! the empire is rent from pole to pole!—perhaps to continue asunder forever.

The catalogue of our oppressions, continental and local, is enormous. Of such oppressions I will mention only some of the most weighty.

Under color of law the king and parliament of Great Britain have made the most arbitrary attempts to enslave America:

By claiming a right to bind the colonies "in all cases whatsoever;"

By laying duties, at their mere will and pleasure, upon all the colonies;

By suspending the legislature of New York

By rendering the American charters of no validity, having annulled the most material parts of the charter of the Massachusetts Bay;

By divesting multitudes of the colonists of their property without legal accusation or trial;

By depriving whole colonies of the bounty of Providence on their own proper coasts, in order to coerce them by famine;

By restricting the trade and commerce of America;

By sending to and continuing in America, in time of peace, an armed force, without and against the consent of the people;

By granting impunity to a soldiery instigated to murder the Americans;

By declaring that the people of Massachusetts Bay are

liable, for offences, or pretended offences, done in that colony, to be sent to and tried for the same in England, or in any colony where they cannot have the benefit of a jury of the vicinage;

By establishing in Quebec the Roman Catholic religion and an arbitrary government instead of the Protestant religion and a free government.

And thus America saw it demonstrated that no faith ought to be put in a royal proclamation; for I must observe to you that in the year 1763, by such a proclamation, people were invited to settle in Canada, and were assured of a legislative representation, the benefit of the common law of England, and a free government.

It is a misfortune to the public that this is not the only instance of the inefficacy of a royal proclamation. However, having given you one instance of a failure of royal faith in the northern extremity of this abused continent, let it suffice that I direct your attention to the southern extremity; respecting which the same particulars were in the same manner promised, but the deceived inhabitants of St. Augustine are left by their grand jury in vain to complain and lament to the world, and yet scarcely permitted to exercise even that privilege distinguishing the miserable, that royal faith is not kept with them.

The proceedings which I have enumerated, either immediately or in their evident consequences, deeply affected all the colonies: ruin stared them in the face. They united their counsels and laid their just complaints before the throne, praying a redress of grievances. But, to their astonishment, their dutiful petition for peace and safety was answered only by an actual commencement of war and military destruction!

In the meantime the British troops that had been peaceably

received by the devoted inhabitants of Boston as the troops of their sovereign, bound to protect them! fortified that town, to imprison the inhabitants and to hold that capital against the people to whom it belonged! And the British rulers having determined to appeal from reason and justice to violence and arms, a select body of those troops being in the night suddenly and privately marched from Boston — at Lexington, on the 19th day of April, 1775, they by surprise drew the sword of civil war and plunged it into the breasts of the Americans! Against this horrid injustice the Almighty gave instant judgment: a handful of country militia, badly armed, suddenly collected, and unconnectedly and irregularly brought up to repel the attack, discomfited the regular bands of the tyranny; they retreated, and night saved them from total slaughter.

Thus forced to take up arms in our own defence, America yet again most dutifully petitioned the king that he would be pleased "to direct some mode by which the united applications of his faithful colonists to the throne, in presence of their common councils, might be improved into a happy and permanent reconciliation; and that in the meantime measures might be taken for preventing the further destruction of the lives of his Majesty's subjects."

But it was in vain!

The petition on the part of millions, praying that the effusion of blood might be stayed, was not thought worthy of an answer! The nefarious war continued. The ruins of Charlestown, Falmouth, and Norfolk, towns not constructed for offence or defence, mark the humane progress of the royal arms: so the ruins of Carthage, Corinth, and Numantium proclaimed to the world that justice was expelled the Roman senate! On the other hand, the fortitude with which America

has endured these civil and military outrages; the union of her people, as astonishing as unprecedented, when we consider their various manners and religious tenets; their distance from each other; their various and clashing local interests; their self-denial; and their miraculous success in the prosecution of the war: I say, these things all demonstrate that the Lord of Hosts is on our side!

So it is apparent that the Almighty Constructor of the universe, having formed this continent of materials to compose a state pre-eminent in the world, is now making use of the tyranny of the British rulers as an instrument to fashion and arrange those materials for the end for which, in his wisdom, he had formed them.

In this enlightened age humanity must be particularly shocked at a recital of such violences; and it is scarce to be believed that the British tyranny could entertain an idea of proceeding against America by a train of more dishonorable machinations. But nothing less than absolute proof has convinced us that in carrying on the conspiracy against the rights of humanity the tyranny is capable of attempting to perpetrate whatever is infamous.

For the little purpose of disarming the imprisoned inhabitants of Boston, the king's general, Gage, in the face of day, violated the public faith, by himself plighted; and in concert with other governors and with John Stuart he made every attempt to instigate the savage nations to war upon the southern colonies, indiscriminately to massacre man, woman, and child. The governors in general have demonstrated that truth is not in them; they have inveigled negroes from and have armed them against their masters; they have armed brother against brother, son against father!

Oh! Almighty Director of the universe! what confidence

can be put in a government ruling by such engines and upon such principles of unnatural destruction! — a government that upon the 21st day of December last made a law, *ex post facto*, to justify what had been done, not only without law, but in its nature unjust! — a law to make prize of all vessels trading in, to, or from the united colonies — a law to make slaves of the crews of such vessels, and to compel them to bear arms against their conscience, their fathers, their bleeding country! The world, so old as it is, heretofore had never heard of so atrocious a procedure: it has no parallel in the registers of tyranny. But to proceed ——

The king's judges in this country refused to administer justice; and the late governor, Lord William Campbell, acting as the king's representative for him, and on his behalf, having endeavored to subvert the constitution of this country by breaking the original contract between king and people, attacking the people by force of arms; having violated the fundamental laws; having carried off the great seal, and having withdrawn himself out of this colony, he abdicated the government.

Oppressed by such a variety of enormous injuries, continental and local, civil and military, and by divers other arbitrary and illegal courses, all done and perpetrated by the assent, command, or sufferance of the king of Great Britain, the representatives of South Carolina, in Congress assembled, found themselves under an unavoidable necessity of establishing a form of government, with powers legislative, executive, and judicial, for the good of the people,—the origin and great end of all just government. For this only end the house of Brunswick was called to rule over us. Oh, agonizing reflection! that house ruled us with swords, fire, and bayonets! The British government operated only to our destruc-

tion. Nature cried aloud, self-preservation is the great law —we have but obeyed.

If I turn my thoughts to recollect in history a change of government upon more cogent reasons I say I know of no change upon principles so provoking, compelling, justifiable. And in these respects even the famous revolution in England in the year 1688 is much inferior. However, we need no better authority than that illustrious precedent, and I will therefore compare the causes of and the law upon the two events.

On the seventh of February, 1688, the Lords and Commons of England, in convention, completed the following resolution:

"Resolved, that King James the Second, having endeavored to subvert the constitution of the kingdom by breaking the original contract between the king and people; and, by the advice of Jesuits and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of this kingdom, has abdicated the government, and that the throne is thereby vacant."

That famous resolution deprived James of his crown, and became the foundation on which the throne of the present king of Great Britain is built: it also supports the edifice of government which we have erected.

In that resolve there are but three facts stated to have been done by James: I will point them out, and examine whether those facts will apply to the present king of Great Britain, with regard to the operations of government, by him or his representative, immediately or by consequence affecting this colony.

The first fact is the having endeavored to subvert the constitution of the kingdom by breaking the original contract.

The violation of the fundamental laws is the second fact; and in support of these two charges the Lords spiritual and temporal and Commons assembled at Westminster on the twelfth day of February, 1688, declared that James was guilty:

"By assuming and exercising a power of dispensing with, and suspending of laws, and the execution of laws, without consent of Parliament:

"By committing and prosecuting divers worthy prelates for humbly petitioning to be excused from concurring to the said assumed power:

"By issuing and causing to be executed a commission, under the great seal, for erecting a court called the court of commissioners for ecclesiastical causes:

"By levying money for and to the use of the Crown, by pretence of prerogative, for other time and in other manner than the same was granted by Parliament:

"By raising and keeping a standing army within this kingdom in time of peace, without consent of Parliament; and quartering soldiers contrary to law:

"By causing several good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law:

"By violating the freedom of election of members to serve in Parliament:

"By prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament; and by divers other arbitrary and illegal courses."

This declaration, thus containing two points of criminality — breach of the original contract and violation of fundamental laws — I am to distinguish one from the other.

In the first place, then, it is laid down in the best law authorities that protection and subjection are reciprocal, and that these reciprocal duties form the original contract between king and people. It therefore follows that the original contract was broken by James's conduct as above stated, which

amounted to a not affording due protection to his people. And it is as clear that he violated the fundamental laws by the suspending of laws and the execution of laws; by levying money; by violating the freedom of election of members to serve in Parliament; by keeping a standing army in time of peace; and by quartering soldiers contrary to law and without consent of Parliament; which is as much as to say that he did those things without consent of the legislative assembly chosen by the personal election of that people over whom such doings were exercised.

These points, reasonings, and conclusions being settled in, deduced from, and established upon parliamentary proceedings and the best law authorities, must ever remain unshaken. I am now to undertake the disagreeable task of examining whether they will apply to the violences which have lighted up and now feed the flames of civil war in America.

James the Second suspended the operations of laws; George the Third caused the charter of the Massachusetts Bay to be in effect annihilated; he suspended the operation of the law which formed a legislature in New York, vesting it with adequate powers; and thereby he caused the very ability of making laws in that colony to be suspended.

King James levied money without the consent of the representatives of the people called upon to pay it; King George has levied money upon America, not only without, but expressly against, the consent of the representatives of the people in America.

King James violated the freedom of election of members to serve in Parliament; King George, by his representative, Lord William Campbell, acting for him and on his behalf, broke through a fundamental law of this country for the certain holding of general assemblies; and thereby, as far as in

him lay, not only violated but annihilated the very ability of holding a general assembly.

King James in time of peace kept a standing army in England without consent of the representatives of the people among whom that army was kept; King George hath in time of peace invaded this continent with a large standing army without the consent, and he hath kept it within this continent expressly against the consent, of the representatives of the people among whom that army is posted.

All which doings by King George the Third respecting America are as much contrary to our interests and welfare, as much against law, and tend as much, at least, to subvert and extirpate the liberties of this colony and of America, as the similar proceedings by James the Second operated respecting the people of England. For the same principle of law touching the premises equally applies to the people of England in the one case and to the people of America in the other. And this is the great principle. Certain acts done over and affecting a people against and without their consent, expressed by themselves or by representatives of their own election. Upon this only principle was grounded the complaints of the people of England — upon the same is grounded the complaints of the people of America. And hence it clearly follows that if James the Second violated the fundamental laws of England, George the Third hath also violated the fundamental laws of America.

Again —

King James broke the original contract by not affording due protection to his subjects, although he was not charged with having seized their towns and with having held them against the people — or with having laid them in ruins by his arms — or with having seized their vessels — or with having pursued

the people with fire and sword — or with having declared them rebels for resisting his arms levelled to destroy their lives, liberties, and properties — but George the Third hath done all those things against America, and it is therefore undeniable that he hath not afforded due protection to the people.

Wherefore, if James the Second broke the original contract, it is undeniable that George the Third has also broken the original contract between king and people, and that he made use of the most violent measures by which it could be done — violences of which James was guiltless,—measures, carrying conflagration, massacre, and open war amidst a people whose subjection to the king of Great Britain the law holds to be due only as a return for protection. And so tenacious and clear is the law upon this very principle that it is laid down, subjection is not due even to a king *de jure*, or of right, unless he be also king *de facto*, or in possession of the executive powers dispensing protection.

Again —

The third fact charged against James is that he withdrew himself out of the kingdom; and we know that the people of this country have declared that Lord William Campbell, the king of Great Britain's representative, "having used his utmost efforts to destroy the lives, liberties, and properties of the good people here, whom by the duty of his station he was bound to protect, withdrew himself out of the colony:" hence it will appear that George the Third hath withdrawn himself out of this colony, provided it be established that exactly the same natural consequence resulted from the withdrawing in each case respectively: King James personally out of England and King George out of Carolina by the agency of his substitute and representative, Lord William Campbell.

By King James's withdrawing, the executive magistrate was

gone; thereby, in the eye of the law, the executive magistrate was dead, and of consequence royal government actually ceased in England: so, by King George's representative's withdrawing, the executive magistrate was gone, the death, in law, became apparent, and of consequence royal government actually ceased in this colony.

Lord William withdrew as the king's representative, carrying off the great seal and royal instructions to governors; and acting for and on the part of his principal, by every construction of law, that conduct became the conduct of his principal; and thus James the Second withdrew out of England and George the Third withdrew out of South Carolina; and by such a conduct, respectively, the people in each country were exactly in the same degree injured.

The three facts against King James being thus stated and compared with similar proceedings by King George, we are now to ascertain the result of the injuries done by the first, and the law upon that point; which, being ascertained, must naturally constitute the judgment in law upon the result of the similar injuries done by the last: and I am happy that I can give you the best authority upon this important point.

Treating upon this great precedent in constitutional law, the learned Judge Blackstone declares that the result of the facts "amounted to an abdication of the government, which abdication did not affect only the person of the king himself, but also all his heirs; and rendered the throne absolutely and completely vacant."

Thus it clearly appears that the government was not abdicated and the throne vacated by the resolution of the Lords and Commons; but that the resolution was only declaratory of the law of nature and reason, upon the result of the injuries proceeding from the three combined facts of maladministration.

And thus, as I have on the foot of the best authorities made it evident that George the Third, king of Great Britain, has endeavored to subvert the constitution of this country by breaking the original contract between king and people; by the advice of wicked persons has violated the fundamental laws; and has withdrawn himself by withdrawing the constitutional benefits of the kingly office and his protection out of this country: from such a result of injuries, from such a conjuncture of circumstances, the law of the land authorizes me to declare, and it is my duty boldly to declare the law, that George the Third, king of Great Britain, has abdicated the government, and that the throne is thereby vacant; that is, he has no authority over us, and we owe no obedience to him.

The British ministers already have presented a charge of mine to the notice of the Lords and Commons in Parliament; and I am nothing loth that they take equal resentment against this charge. For, supported by the fundamental laws of the constitution, and engaged as I am in the cause of virtue, I fear no consequences from their machinations.

Thus, having stated the principal causes of our last revolution, it is as clear as the sun in meridian that George the Third has injured the Americans at least as grievously as James the Second injured the people of England; but that James did not oppress these in so criminal a manner as George has oppressed the Americans. Having also stated the law on the case, I am naturally led to point out to you some of the great benefits resulting from that revolution.

In one word, then, you have a form of government in every respect preferable to the mode under the British authority; and this will most clearly appear by contrasting the two forms of government.

Under the British authority, governors were sent over to us

who were utterly unacquainted with our local interests, the genius of the people, and our laws; generally they are but too much disposed to obey the mandates of an arbitrary ministry; and if the governor behaved ill we could not by any peaceable means procure redress.

But under our present happy constitution our executive magistrate arises according to the spirit and letter of holy writ,—"their governors shall proceed from the midst of them."

Thus the people have an opportunity of choosing a man intimately acquainted with their true interests, their genius, and their laws; a man perfectly disposed to defend them against arbitrary ministers, and to promote the happiness of that people from among whom he was elevated, and by whom, without the least difficulty, he may be removed and blended in the common mass.

Again, under the British authority it was in effect declared that we had no property; nay, that we could not possess any; and that we had not any of the rights of humanity. For men who knew us not, men who gained in proportion as we lost, arrogated to themselves a right to bind us in all cases whatsoever! But our constitution is calculated to free us from foreign bondage; to secure to us our property; to maintain to us the rights of humanity and to defend us and our posterity against British authority aiming to reduce us to the most abject slavery!

Again, the British authority declared that we should not erect slitting-mills, and to this unjust law we implicitly and respectfully submitted so long as, with safety to our lives, we could yield obedience to such authority; but a resolution of Congress now grants a premium to encourage the construction of such mills. The British authority discouraged our

attempting to manufacture for our own consumption; but the new constitution, by authorizing the disbursement of large sums of money by way of loan or premium, encourages the making of iron, bar-steel, nail-rods, gun-locks, gun-barrels, sulphur, nitre, gunpowder, lead, woollens, cottons, linens, paper, and salt.

Upon the whole, it has been the policy of the British authority to oblige us to supply our wants at their market, which is the dearest in the known world, and to cramp and confine our trade so as to be subservient to their commerce, our real interest being ever out of the question. On the other hand, the new constitution is wisely adapted to enable us to trade with foreign nations, and thereby to supply our wants at the cheapest markets in the universe; to extend our trade infinitely beyond what it has ever been known; to encourage manufactures among us; and it is peculiarly formed to promote the happiness of the people, from among whom, by virtue and merit, the poorest man may arrive at the highest dignity. O Carolinians! happy would you be under this new constitution if you knew your happy state.

Possessed of a constitution of government founded upon so generous, equal, and natural a principle—a government expressly calculated to make the people rich, powerful, virtuous and happy, who can wish to change it, to return under a royal government, the vital principles of which are the reverse in every particular! It was my duty to lay this happy constitution before you in its genuine light: it is your duty to understand, to instruct others, and to defend it.

I might here with propriety quit this truly important subject, but my anxiety for the public weal compels me yet to detain your attention while I make an observation or two upon one particular part of the constitution.

When all the various attempts to enslave America by fraud; under guise of law; by military threats; by famine, massacre, breach of public faith, and open war: I say, when these things are considered on the one hand, and on the other the constitution expressing that some mode of government should be established "until an accommodation of the unhappy differences between Great Britain and America can be obtained; an event, which though traduced and treated as rebels, we still ardently desire:" I say, when these two points are contrasted, can we avoid revering the magnanimity of that great council of the state who after such injuries could entertain such a principle! But the virtuous are ever generous.

We do not wish revenge: we earnestly wish an accommodation of our unhappy disputes with Great Britain; for we prefer peace to war. Nay, there may be even such an accommodation as, excluding every idea of revenue by taxation or duty, or of legislation by act of parliaments, may vest the king of Great Britain with such a limited dominion over us as may tend, *bona fide*, to promote our true commercial interests and to secure our freedom and safety—the only just ends of any dominion.

But while I declare thus much on the one side, on the other it is my duty also to declare that in my opinion our true commercial interests cannot be provided for but by such a material alteration of the British acts of navigation as, according to the resolve of the honorable the Continental Congress, will "secure the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members;" and that our liberties and safety cannot be depended upon if the king of Great Britain should be allowed to hold our forts and cannon, or to have authority over a single regiment in America, or

a single ship of war in our ports. For if he holds our forts he may turn them against us, as he did Boston against her proprietors; if he acquires our cannon he will effectually disarm the colony; if he has a command of troops among us, even if we raise and pay them, shackles are fixed upon us — witness Ireland and her national army. The most express act of Parliament cannot give us security, for acts of Parliament are as easily repealed as made. Royal proclamations are not to be depended upon, witness the disappointments of the inhabitants of Quebec and St. Augustine. Even a change of ministry will not avail us, because, notwithstanding the rapid succession of ministers for which the British court has been famous during the present reign, yet the same ruinous policy ever continued to prevail against America. In short, I think it my duty to declare, in the awful seat of justice and before Almighty God, that in my opinion the Americans can have no safety but by the Divine favor, their own virtue, and their being so prudent as not to leave it in the power of the British rulers to injure them. Indeed, the ruinous and deadly injuries received on our side, and the jealousies entertained, and which, in the nature of things, must daily increase against us, on the other demonstrate to a mind in the least given to reflection upon the rise and fall of empires, that true reconcilement never can exist between Great Britain and America, the latter being in subjection to the former.

The Almighty created America to be independent of Britain. Let us beware of the impiety of being backward to act as instruments in the Almighty hand, now extended to accomplish his purpose, and by the completion of which alone, America, in the nature of human affairs, can be secure against the craft and insidious designs of her enemies, who think her prosperity and power already by far too great. In a word,

our piety and political safety are so blended, that to refuse our labors in this Divine work, is to refuse to be a great, a free, a pious, and a happy people!

And now, having left the important alternative, political happiness or wretchedness, under God, in a great degree in your own hands, I pray the Supreme Arbiter of the affairs of men so to direct your judgment, as that you may act agreeable to what seems to be his will, revealed in his miraculous works in behalf of America, bleeding at the altar of liberty!

JEFFERSON

THOMAS JEFFERSON was born at Shadwell, Albemarle County, in the State of Virginia. At the age of five he was sent to school and completed his liberal education at William and Mary College, where he acquired a knowledge of the Latin, Greek and French languages, to which he added a familiarity with the higher mathematics and natural sciences seldom possessed by the young men of his times. After five years devoted to legal studies he was admitted to the bar, and quickly secured a lucrative practice. In 1768 he was elected from his county to the House of Burgesses, and continued to be annually returned until the outbreak of the Revolutionary War. It is to be noted that, although singularly successful at the bar, Jefferson was no orator, and, notwithstanding the fact that he was one of the foremost members of several deliberative bodies in the course of his life, he may truthfully be said never to have made a political speech. It was as a thinker, organizer and writer that he surpassed all of his contemporaries. Many of his writings, however, are admirably suited for declamation, and may therefore be fitly described as "orations." In 1774 he was chosen a delegate to the State Convention of Virginia, and was the author of the instructions sent by that body to its delegates in the Continental Congress. This document, published in a pamphlet, attracted great attention on both sides of the Atlantic, and placed Jefferson among the leaders, if not at the head, of the revolutionary movement in America. The Declaration of Independence, put forth by the colonies two years later, was but a perfected transcript of Jefferson's earlier paper. Jefferson resigned his seat in the Continental Congress in 1776, and also declined the appointment to go with Franklin to Paris, in order to take the place in the Legislature of Virginia to which he had been elected, because he considered that the future of his State depended upon a drastic transformation of its fundamental laws. Among the measures introduced in furtherance of his views may be specially mentioned the repeal of the laws of entail; the abolition of primogeniture and the substitution of equal partition of inheritance; the affirmation of the rights of conscience and the relief of the people from taxation for the support of a religion not theirs; and a system of general education. He also secured the passage of a bill forbidding the further importation of slaves into Virginia. In 1779 he was chosen Governor of his State, and continued to hold that office until 1782, soon after which he became a member

of the Congress of the Confederation. It was he who in the last-named body secured the adoption of the system of coinage which still obtains in the United States, and it was he who drafted the report of a plan for the government of the vast territory lying to the northwest of the Ohio River. Had another proposal of his been accepted, there would have been no War of Secession in 1861. We refer to his proposal that, "after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the States." In 1784 Jefferson was commissioned by Congress to serve as Minister Plenipotentiary in negotiating treaties of commerce with European States. He succeeded Franklin as Minister at the Court of Versailles in 1785, and continued to reside at Paris until 1790, when he became Secretary of State in Washington's first administration. As an earnest advocate of State sovereignty and decentralization, he gradually became the head of the Anti-Federalist party, and, thus finding himself at variance with the views held by President Washington and certain members of the Cabinet, he resigned his office in December, 1793, and retired to his country-seat, Monticello, where he remained until in 1796 he was made Vice-President at the election which called John Adams to the Presidency. On March 4, 1801, Jefferson was inaugurated President, and held the office for two terms. The most important act of his administration was the purchase of the vast Louisiana Territory. He might have been President for a third term, had he not firmly refused to be a candidate, although the Legislatures of five States formally requested him to accept the nomination. During the last seventeen years of his life, Jefferson remained in retirement, but he continued to be one of the most influential personages in the United States. He died on July 4, 1826.

DEMOCRACY DEFINED

FIRST INAUGURAL ADDRESS, DELIVERED MARCH 4, 1801

Friends and Fellow-Citizens:

CALLED upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the

charge and the weakness of my powers so justly inspire. A rising nation spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye; when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many whom I here see remind me that in the other high authorities provided by our Constitution I shall find resources of wisdom, of virtue, and of zeal on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked, amid the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal law must

protect, and to violate would be oppression. Let us, then, fellow-citizens, unite with one heart and one mind; let us restore to social intercourse that harmony and affection without which liberty, and even life itself, are but dreary things. And let us reflect, that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some and less by others; and should divide opinions as to measures of safety; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans: we are all Federalists. If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the law,

would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the form of kings to govern him? Let history answer this question.

Let us, then, with courage and confidence, pursue our own federal and republican principles; our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the hundredth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man, acknowledging and adoring an overruling Providence, which, by all its dispensations, proves that it delights in the happiness of man here and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens—a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good

government; and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies; the preservation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad; a jealous care of the right of election by the people; a mild and safe corrective of abuses which are lopped by the sword of revolution, where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and arraignment of all abuses at the bar of the public reason; freedom of religion, free-

dom of the press, and freedom of person, under the protection of the Habeas Corpus; and trial by juries impartially selected. These principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment; they should be the creed of our political faith: the text of civic instruction; the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your support against the errors of others, who may condemn what they would not, if seen in all its parts. The approbation implied by your suffrage is a great consolation to me for the past; and my future solicitude will be to retain

the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your goodwill, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

QUINCY

JOSIAH QUINCY, JR., an American lawyer and orator, the son of a Boston merchant, was born in Boston, Massachusetts, February 23, 1744. Educated at Harvard University he soon afterwards attained distinction as a lawyer and took an enthusiastic interest in the political topics of the day, putting forth several vigorously written pamphlets. After the Boston massacre, he, with John Adams, defended the British soldiers at their trial, a course which for a time injured his growing popularity, although his conduct was generally approved after the first excitement over the affair had subsided. In May, 1774, he published "Observations on the Act of Parliament Commonly Called the Boston Port Bill, with Thoughts on Civil Government and Standing Armies." This work shows great care in its preparation, and its author displayed considerable courage in bringing forth a publication which might have condemned him to the scaffold as a reward for his audacity. In September of that year he went to England on a confidential mission of the patriotic party and died of consumption on the return voyage, April 26, 1775. He left one son, who achieved distinction both as statesman and educator. Quincy was in many ways a remarkable orator, and in spite of his weak lungs his voice was very penetrating, but sweet and resonant.

SPEECH IN DEFENCE OF THE SOLDIERS

[Delivered at the trial of William Weems, James Hartigan, and others, soldiers in his Majesty's Twenty-Ninth Regiment, for the murder of Crispus Attucks, Samuel Gray, and others, on Monday evening, the 5th of March, 1770.]

MAY IT PLEASE YOUR HONORS, AND YOU GENTLEMEN OF THE JURY,— We have at length gone through the evidence in behalf of the prisoners. The witnesses have now placed before you that state of facts from which results our defence. The examination has been so lengthy that I am afraid some painful sensations arise when you find that you are now to sit and hear the remarks of counsel. But you should reflect that no more indulgence is shown to the prisoners now on trial than has

ever been shown in all capital causes: the trial of one man has often taken up several days; when you consider, therefore, that there are eight lives in issue, the importance of the trial will show the necessity of its length. To each of the prisoners different evidence applies, and each of them draw their defence from different quarters.

I stated to you, gentlemen, your duty in opening this cause — do not forget the discharge of it. You are paying a debt you owe the community for your own protection and safety: by the same mode of trial are your own rights to receive a determination; and in your turn a time may come when you will expect and claim a similar return from some other jury of your fellow subjects.

In opening I pointed out the dangers to which you were exposed; I trust your own recollection will now preclude a recapitulation of them. The reasons of what I then said, I trust have in some measure appeared; the propriety of some of those observations has been corroborated by succeeding evidence; and you must have traced yourselves some of those consequences, turning out in evidence, which have had intimate relation, if not their origin, with some or all of those opinions, notions, sentiments, or passions (call them what you will) which I took occasion to observe as clues, aids, and leading-strings in our intended examination and decision.

How much need was there for my desire that you should suspend your judgment till the witnesses were all examined? How different is the complexion of the cause? Will not all this serve to show every honest man the little truth to be attained in partial hearings? We have often seen communities complain of *ex parte* testimonies; individuals as well as societies of men are equally susceptible of injuries of this kind. This trial ought to have another effect; it should serve to con-

vince us all of the impropriety, nay, injustice, of giving a latitude in conversation upon topics likely to come under a judicial decision; the criminality of this conduct is certainly enhanced w^h^en such loose sallies and discourses are so prevalent as to be likely to touch the life of a citizen; moreover, there is so little certainty to be obtained by such kind of methods, I wonder we so often find them practised. In the present case, how great was the prepossession against us? And I appeal to you, gentlemen, what cause there now is to alter our sentiments? Will any sober, prudent man countenance the proceedings of the people in King Street,— can any one justify their conduct,— is there any one man or any body of men who are interested to espouse and support their conduct?

Surely, no! But our inquiry must be confined to the legality of their conduct, and here can be no difficulty. It was certainly illegal, unless many witnesses are directly perjured: witnesses, who have no apparent interest to falsify,— witnesses who have given their testimony with candor and accuracy,— witness whose credibility stands untouched,— whose credibility the counsel for the king do not pretend to impeach or hint a suggestion to their disadvantage.

I say, gentlemen, by the standard of the law are we to judge the actions of the people who were the assailants and those who were the assailed and then on duty. And here, gentlemen, the rule we formerly laid down takes place. To the facts, gentlemen, apply yourselves. Consider them as testified; weigh the credibility of the witnesses — balance their testimony — compare the several parts of it — see the amount of it; and then, according to your oath, "make true deliverance according to your evidence." That is, gentlemen, having settled the facts, bring them truly to the standard

of the law; the king's judges, who are acquainted with it, who are presumed best to know it, will then inspect this great standard of right and wrong, truth and justice: and they are to determine the degree of guilt to which the fact rises.

But before we come to those divisions of inquiry under which I intend to consider the evidence, let me once more carefully distinguish between the transactions in Cornhill and those by the custom-house.

The conduct of the soldiers in Cornhill may well be supposed to have exasperated the minds of all who beheld their behavior. Their actions accumulated guilt as it flew — at least, we may well suppose, the incensed people who related them added new colors to the scene. The flame of resentment imperceptibly enkindles, and a common acquaintance with human nature will show that it is no extravagant supposition to imagine many a moderate man might at such a season, with such sentiments, which I have more than once noticed,— hearing such relations and complaints: I say, do I injure any one, in supposing that under all these circumstances a very moderate person who in ordinary matters acted with singular discretion should now be drawn imperceptibly away, or rather transported into measures which in a future moment he would condemn and lament? What more natural supposition than to suppose many an honest mind might at this time fluctuate thus?

The soldiers are here — we wish them away; we did not send for them; they have cut and wounded the peaceable inhabitants, and it may be my turn next. At this instant of time he has a fresh detail of injuries: resentment redoubles every successive moment — huzza! for the main guard! we are in a moment before the custom-house. No time is given for reflection.

We find from the king's evidence and from our own the cry was, "Here is a soldier!"—not, "Here is the soldier who has injured us"; "Here is the fellow who wounded the man in Cornhill." No, the reasoning, or rather ferment, seems to be, "The soldiers have committed an outrage"—"We have an equal right to inflict punishment—or rather revenge—which they had to make an assault." They said "right," but never considered that those soldiers had no right at all. These are sentiments natural enough to persons in this state of mind: we can easily suppose even good men thinking and acting thus. Very similar to this is the force of Dr. Hiron's testimony and some others. But our inquiry is, What says the law? We must calmly inquire whether this, or anything like it, is countenanced by the law. What is natural to the man—what are his feelings are one thing: what is the duty of the citizen is quite another. Reason must resume her seat, and then we shall hear and obey the voice of the law.

The law indulges no man in being his own avenger. Early in the history of jurisprudence we find the sword taken from the party injured and put into the hands of the magistrate. Were not this the case, punishment would know no bounds in extent or duration. Besides, it saps the very root of distributive justice when any individual invades the prerogative of law and snatches from the civil magistrate the balance and the rod. How much more are the pillars of security shaken, when a mixed body, assembled as those in King Street, assume the province of justice and invade the rights of the citizen? For it must not be forgot that the soldier is a citizen, equally entitled with us all to protection and security. Hence all are alike obliged to pay obedience to the law; for the price of this protection is that of obedience.

Let it not be apprehended that I am advancing a doctrine that a soldier may attack an inhabitant and he not allowed to defend himself. No, gentlemen, if a soldier rush violently through the street and presents a weapon of death in a striking posture, no doubt the person assailed may defend himself even to taking the life of the assailant. Revenge and a sense of self-preservation instantly take possession of the person thus attacked; and the law goes not upon the absurd supposition that a person can in these circumstances unman himself. Hence we find a husband, taking his wife in the act of adultery, instantly seizes a deadly weapon and slays the adulterer. It is not murder. Nay, a fillip upon the nose or forehead, in anger, is supposed by the law to be sufficient provocation to reduce killing to manslaughter. It is therefore upon principles like these — principles upon which those who now bear the hardest against us at other times so much depend; it is, I say, upon the right of self-defence and self-preservation we rely for our acquittal.

Here again it should be kept in view that whenever a party injuring has escaped by flight, and time sufficient for the passions to cool, in judgment of law, hath elapsed, however great the injury, the injured party must have recourse to law for his redress. Such is the wisdom of the law; of that law, than which we are none of us to presume ourselves wiser; of that law which is found in the experience of ages, and which in condescension to the infirmities of flesh and blood (but to nothing else) extenuates the offence.

For "no man," says the learned Judge Foster, "under the protection of the law is to be the avenger of his own wrongs. If they are of such a nature for which the laws of society will give him an adequate remedy, thither he ought to resort. But be they of what nature soever, he ought to bear his lot with

patience and remember that vengeance belongeth to the Most High."

Now, gentlemen, those, whoever they were, who committed the outrage in Cornhill, had absconded; the soldiers, who are supposed to have done them, were confined in their barracks. People were repeatedly told this and assured by the military officers that they should not go unpunished. But what followed? Are all present appeased? We are constrained by the force of the evidence to affirm they were not. But to get regular and right ideas we must consider all the commotions of the season and endeavor to come at truth by analyzing the evidence and arranging it under distinct heads of inquiry.

[After a further consideration of the evidence in the case Mr. Quincy remarked:]

May it please your honors and you gentlemen of the jury: After having thus gone through the evidence and considered it as applicatory to all and every of the prisoners, the next matter in order seems to be the consideration of the law pertinent upon this evidence.

And here, gentlemen, let me again inform you that the law which is to pass upon these prisoners is a law adapting itself to the human species with all their feelings, passions, and infirmities: a law which does not go upon the absurd supposition that men are stocks and stones, or that in the fervor of the blood a man can act with the deliberation and judgment of a philosopher. No, gentlemen; the law supposes that a principle of resentment, for wise and obvious reasons, is deeply implanted in the human heart, and not to be eradicated by the efforts of State policy. It therefore in some degree conforms itself to all the workings of the passions, to which it pays a great indulgence, so far as not to be wholly

incompatible with the wisdom, good order, and the very being of government.

Keeping, therefore, this full in view, let us take once more a very brief and cursory survey of matters supported by the evidence. And here let me ask sober reason, What language more opprobrious, what actions more exasperating, than those used on this occasion? Words, I am sensible, are no justification of blows, but they serve as the grand clues to discover the temper and the designs of the agents: they serve also to give us light in discerning the apprehensions and thoughts of those who are the objects of abuse.

"You lobster!"—"You bloody-back!"—"You coward!" "You dastard!"—are but some of the expressions proved. What words more galling? What more cutting and provoking to a soldier? To be reminded of the color of his garb, by which he was distinguished from the rest of his fellow citizens; to be compared to the most despicable animal that crawls upon the earth, was touching indeed a tender point. To be stigmatized with having smarted under the lash at the halbert, to be twitted with so infamous an ignominy, which was either wholly undeserved or a grievance which should never have been repeated,—I say to call up and awaken sensations of this kind must sting even to madness. But accouple these words with the succeeding actions,—"You dastard!" "You coward!" A soldier and a coward!

This was touching (with a witness) "the point of honor and the pride of virtue." But while these are as yet fomenting the passions and swelling the bosom, the attack is made; and probably the latter words were reiterated at the onset; at least, were yet sounding in the ear. Gentlemen of the jury, for heaven's sake let us put ourselves in the same situation! Would you not spurn at that spiritless institution of society

which tells you to be a subject at the expense of your manhood?

But does the soldier step out of his ranks to seek his revenge? Not a witness pretends it. Did not the people repeatedly come within the points of their bayonets and strike on the muzzles of the guns? You have heard the witnesses.

Does the law allow one member of the community to behave in this manner towards his fellow citizen, and then bid the injured party be calm and moderate? The expressions from one party were—"Stand off, stand off!" "I am upon my station,"—"if they molest me upon my post, I will fire." "By God, I will fire!" "Keep off!"

These words were likely to produce reflection and procure peace. But had the words on the other hand a similar tendency? Consider the temper prevalent among all parties at this time. Consider the then situation of the soldiery; and come to the heat and pressure of the action. The materials are laid, the spark is raised, the fire enkindles, the flame rages, the understanding is in wild disorder, all prudence and true wisdom are utterly consumed. Does common sense, does the law expect impossibilities?

Here, to expect equanimity of temper, would be as irrational as to expect discretion in a madman. But was anything done on the part of the assailants similar to the conduct, warnings, and declarations of the prisoners? Answer for yourselves, gentlemen! The words reiterated all around stabbed to the heart; the actions of the assailants tended to a worse end,—to awaken every passion of which the human breast is susceptible; fear, anger, pride, resentment, revenge, alternately take possession of the whole man.

To expect, under these circumstances, that such words would assuage the tempest, that such actions would allay the flames;

—you might as rationally expect the inundations of a torrent would suppress a deluge; or rather that the flames of Ætna would extinguish a conflagration!

Prepare, gentlemen of the jury, now to attend to that species of law which will adapt itself to this trial with all its singular and aggravating circumstances. A law full of benignity, full of compassion, replete with mercy.

And here, gentlemen, I must, agreeable to the method we formerly adopted, first tell you by what law the prisoners are not to be tried or condemned. And they most certainly are not to be tried by the Mosaic law: a law, we take it, peculiarly designed for the government of a peculiar nation, who being in a great measure under a theocratical form of government, its institutions cannot, with any propriety, be adduced for our regulation in these days.

It is with pain, therefore, I have observed any endeavor to mislead our judgment on this occasion; by drawing our attention to the precepts delivered in the days of Moses, and by disconnected passages of Scriptures applied in a manner foreign to their original design or import, there seems to have been an attempt to touch some peculiar sentiments which we know are thought to be prevalent: and in this way, we take it, an injury is likely to be done, by giving the mind a bias, it ought never to have received; because it is not warranted by our laws.

We have heard it publicly said of late, oftener than formerly, "Whosoever sheddeth man's blood, by man shall his blood be shed." This is plainly, gentlemen, a general rule which, like all others of the kind, must have its exceptions,—a rule which if taken in its strict literal latitude would imply that a man killing another in self-defence would incur the pains of death; a doctrine which no man in his senses would

ever embrace; a doctrine that certainly never prevailed under the Mosaical institution. For we find the Jews had their six cities of refuge to which the manslayer might flee from the avenger of blood; and something analogous to this (if it did not originate from it) is our benefit of clergy.

And so, that "the murderer shall flee to the pit," comes under the same consideration. And when we hear it asked, as it very lately has been, "Who dare stay him?" I answer, if the laws of our country stay him, you ought to do likewise; and every good subject dares to do what the law allows. But the very position is begging the question; for the question now in issue is, whether either of the prisoners is a murderer in the sense of our laws? for you recollect that what is murder and what not is a question of law arising upon facts stated and allowed.

But to go on: "You shall take no satisfaction for the life of a murderer which is guilty of death." Here again is a begging of the question; and moreover the words "guilty of death," if rightly rendered from the original, must be one of those general rules I just now mentioned, which always have their exceptions. But these words seem to be wrongly translated; for in the margin of our great Bible we find them rendered "faulty to die." Against a position of this kind we have no objection. If we have committed a fault on which our laws inflict punishment of death we must suffer. But what fault we have committed you are to inquire: or rather you, gentlemen, are to find the facts proved in court against us, and the judges are to see and consider what the law pronounces touching our offence and what punishment is thereby inflicted as a penalty.

In order to come at the whole law resulting from the facts which have been proved we must inquire into the legality of

the assemblies. For such is the wisdom and policy of the law that if any assembly be lawful each individual of that assembly is answerable only for his own act and not for any other. On the contrary, if an assembly be unlawful, the act of any one of the company to the particular purpose of assembling is chargeable on all. This is law which no lawyer will dispute: it is a law founded in the security of the peace of society, and, however little considered by people in general, it ought now steadily to be kept in mind.

Was the assembly of the soldiers lawful?

For what did the soldiers assemble?

Was the sentinel insulted and attacked?

Did he call for assistance, and did the party go to assist him?

Was it lawful for them so to do?

Were the soldiers, when thus lawfully assembled, assaulted, etc., by a great number of people assembled, etc.?

Was this last assembly lawful?

Was anything done by this unlawful assembly that will in law justify, excuse, or extenuate the offence of killing, so as to reduce it to manslaughter?

Was the killing justifiable; or rather was it justifiable self-defence?

Was the killing excusable; or rather was it self-defence, culpable, but, through the benignity of the law, excusable?

Was the killing felonious: if felonious, was it with or without malice?

[Under each of these heads of inquiry, in their order, Mr. Quincy arranged his arguments: and as he separated and compared and settled the facts, he applied the law with explanatory comments. After which, he concluded his argument as follows:]

May it please your honors, and you, gentlemen of the jury: I have now gone through those authorities in law which I

thought pertinent to this trial. I have been thus lengthy, not for the information of the court, but to satisfy you gentlemen, and all who may chance to hear me, of that law which is well known to those of us who are conversant in courts, but not so generally known or attended to by many as it ought to be — a law which extends to each of us as well as to any of the prisoners; for it knows no distinction of persons.

And the doctrines which have been thus laid down are for the safeguard of us all,—doctrines which are founded in the wisdom and policy of ages; which the greatest men who ever lived have adopted and contended for. Nay, the matter has been carried by very wise men much further than we have contested for. And that you may not think the purport of the authorities read are the rigid notions of a dry system and the contracted decisions of municipal law, I beg leave to read to you a passage from a very great theoretic writer — a man whose praises have resounded through all the known world, and probably will through all ages — whose sentiments are as free air, and who has done as much for learning, liberty, and mankind as any of the sons of Adam—I mean the sagacious Mr. Locke. He will tell you gentlemen, in his Essay on Government, "that all manner of force without right puts man in a state of war with the aggressor; and of consequence, that being in such a state of war, he may lawfully kill him who put him under this unnatural restraint." According to this doctrine we should have nothing to do but inquire whether here was "force without right;" if so, we were in such a state as rendered it lawful to kill the aggressor who put us under so unnatural a restraint.

Few, I believe, will say, after hearing all this evidence, that we were under no "unnatural restraint." But we don't want to extend matters so far. We cite this author to show the

world that the greatest friends to their country, to universal liberty, and the immutable rights of all men, have held tenets and advanced maxims more favorable to the prisoners at the bar. And although we should not adopt the sentiments of Mr. Locke in their most extensive latitude, yet there seems to be something very analogous to his opinion which is countenanced in our laws.

There is a spirit which pervades the whole system of English jurisprudence, which inspires a freedom of thought, speech, and behavior. Under a form of government like ours, it would be in vain to expect that pacific, timid, obsequious, and servile temper, so predominant in more despotic governments. From our happy constitution there results its very natural effects — an impatience of injuries and a strong resentment of insults (and a very wise man has said, "He who tamely beareth insults inviteth injuries"). Hence, I take it, that attention to the "feelings of humanity," to "humanity and imperfection," "the infirmities of flesh and blood;" that attention to "the indelible rights of mankind:" that lenity to "the passions of men;" that "benignity and condescension of the law," so often repeated in our books.

And, indeed, if this were not the case, the genius of our civil constitution and the spirit of our municipal law would be repugnant: that prime defect in any political system — that grand solecism in State policy.

Gentlemen of the jury: This case has taken up much of your time, and is likely to take up so much more that I must hasten to a close. Indeed, I should not have troubled you, by being thus lengthy, but from a sense of duty to the prisoners; they who in some sense may be said to have put their lives in my hands; they whose situation was so peculiar that we have necessarily taken up more time than ordinary cases

require. They, under all these circumstances, placed a confidence it was my duty not to disappoint, and which I have aimed at discharging with fidelity. I trust you, gentlemen, will do the like: that you will examine and judge with a becoming temper of mind; remembering that they who are under oath to declare the whole truth think and act very differently from bystanders, who, being under no ties of this kind, take a latitude which is by no means admissible in a court of law.

I cannot close this cause better than by desiring you to consider well the genius and spirit of the law which will be laid down, and to govern yourselves by this great standard of truth. To some purposes, you may be said, gentlemen, to be ministers of justice; and "ministers," says a learned judge, "appointed for the ends of public justice, should have written on their hearts the solemn engagements of his Majesty, at his coronation, to cause law and justice in mercy to be executed in all his judgments."

> "The quality of mercy is not strained;
> It droppeth like the gentle rain from heaven.
> It is twice blessed;
> It blesses him that gives, and him that takes."

I leave you, gentlemen, hoping you will be directed in your inquiry and judgment to a right discharge of your duty. We shall all of us, gentlemen, have an hour of cool reflection when the feelings and agitations of the day shall have subsided; when we shall view things through a different and a much juster medium. It is then we all wish an absolving conscience. May you, gentlemen, now act such a part as will hereafter ensure it; such a part as may occasion the prisoners to rejoice. May the blessing of those who were in jeopardy of life come upon you — may the blessing of Him who is "not faulty to die" descend and rest upon you and your posterity.

MARAT

JEAN PAUL MARAT, one of the most extreme of the leaders of the French Revolution, was born at Beudry, Neuchatel, Switzerland, May 24, 1744. After several years spent in travel and the study of medicine he settled in London as a physician and soon established an excellent practice. During his London residence he published, besides "The Chains of Slavery" (1774) and some medical treatises, a "Philosophical Essay on Man," which when translated into French passed quickly into several editions. Returning to France his professional skill procured him the favor of the Comte d'Artois and he became very popular as a court doctor while at the same time his attainments as a scientist gave him an extended influence. But in 1786 he forsook his profession and his scientific pursuits, and entering political life was soon conspicuous as one of the most radical of the revolutionists. From September, 1789, to July, 1793, he published the famous "L'Ami du Peuple," a journal so violent in its attacks upon men and measures, and so reckless in its assertions of governmental treachery, that it was dreaded by men of all classes. In 1790 Marat was forced to fly to London, but returned to Paris in a few months and for a long time lived in concealment in sewers and cellars. After the rioting in August, 1792, he was elected to the Convention, where he endeavored to compass the ruin of the Girondins. The latter, however, were at first successful and demanded that Marat should be tried before the Revolutionary Tribunal. A trial was held and Marat was acquitted, but he did not live to see the downfall of his opponents. Charlotte Corday, a young woman of Caen, believing him to be the greatest enemy of France, secured an audience with him on some political pretext on the 13th of July, 1793, and stabbed him to the heart as he sat in his bath. Marat was a man of great ability and absolute fearlessness, who sacrificed everything to his convictions. He has usually been represented by historians as a monster of cruelty. Morse Stephens, a recent writer, says of him, however, that he was one "who was rendered suspicious by constant persecution, and who was regarded as a personification of murder because he published every thought in his mind; while others only vented their suspicions in spoken words."

SPEECH BEFORE THE NATIONAL CONVENTION

GENTLEMEN,— I have in this assembly a great number of personal enemies—[here three fourths of the assemblage rose, crying out, "We all are, yes all of us!"]—I have in this assembly [continued Marat coolly] a great number of personal enemies; I would recall them to a

sense of decency; it is not by clamor, by threats, by insult that his guilt is proven to an accused man; it is not by raising a hue and cry over a defender of the people that his criminality is demonstrated to him.

I am grateful to the unseen hand which has cast among you a phantasm to affright timid souls, to cause dissension among good citizens, and to bring into disfavor the deputation of Paris. I thank my persecutors for having furnished me with the opportunity to lay bare my soul before you.

Certain members of the deputation are accused of aspiring to the dictatorship, to the tribunate, to the triumvirate: this absurd charge would find no supporters did I not form a part of the deputation. Very well, gentlemen, I owe it in justice to state that my colleagues, notably Danton and Robespierre, have constantly rejected all ideas of a dictatorship, of a tribunate, and of a triumvirate, whenever I have broached them; I have even had to break divers lances with them on this subject.

I believe myself to be the first political writer, and perhaps the only one in France since the Revolution, who has proposed a dictator, a military tribune, or triumvirate as the only means of crushing out traitors and conspirators! If this opinion be reprehensible, I alone am culpable; if it be criminal, it is on my head alone that I call down the vengeance of the nation. I offer myself then as a self-dedicated victim, but before condemning, deign to listen to me.

My opinions are recorded in articles bearing my signature, printed and publicly distributed for nearly three years, and not until to-day has the attempt been made to metamorphose them into the crime of high treason! What then, opinions publicly proclaimed and submitted to the scrutiny of readers, shall they be regarded as crimes? No, surely, were they

false they would be no more than simple errors; were they extravagant their author would be considered blind or stupid. It is in darkness that traitors are hidden and that plots are formed, but never does a conspirator declare his plans upon the house-tops.

I have submitted my opinions to the examination of the public; if they are dangerous it is in combating them by substantial reasons, and not in dedicating me to execration, that my enemies should condemn them — it is in refuting them, and not in raising over my head the sword of tyranny, that their baleful influence should be counteracted.

After all, gentlemen, with what do you reproach me? When the ever-recurring treacheries of a perfidious court and of its minions, when the ceaseless plottings of the enemies of the Revolution, when the sanguinary schemes of the agents of despotism, threatened to crush out liberty; when the unfaithful representatives of the people, the iniquitous guardians of authority, the unworthy ministers of the law conspiring with an infamous prince, led the country to the verge of ruin; when legislators who had been bought prostituted their august office to the making of tyrannical laws, grinding down the people that they might destroy them; when public functionaries occupied themselves solely in showing favor to traitors; when magistrates protected with the sacred ægis of justice the enemies of the State, while they slew with the sword of tyranny the friends of the country, the defenders of liberty; when by the united efforts of these scoundrels the country was going to ruin,—which of you, gentlemen, had dared to call me guilty of crime if in the transports of my despair I had called down on guilty heads the axe of popular vengeance? Which of you will dare call me guilty of crime to have recommended the only means left us for

the public safety? The people, without obeying my voice, have had the good sense to realize that therein lay their sole resource, and have employed it at various times to prevent their own destruction. The bloody scenes of the 14th of July, the 6th of October, the 10th of August, and the 2d of September have saved France; why were they not directed by able hands!

Fearing myself these terrible acts of an unrestrained multitude; distressed at seeing the axe fall indiscriminately upon all culprits, counfounding petty delinquents with great criminals; desiring to direct it alone against the heads of the principal anti-revolutionists, I have endeavored to bring these movements, so horrible and full of disorder, into subjection to the wisdom of a leader who should be at the same time a patriot of integrity and a statesman who would seek out and put to death the principal conspirators in order to cut by a single stroke the thread of all machinations, to prevent the shedding of blood, to restore peace and cement liberty. Follow my writings; it is with this end in view I have demanded that the people should select a dictator, a military tribune.

To prevent the abuses and the dangers of such a mission I have recommended that the power to inflict capital punishment should be so restricted as to include none save the leaders of conspiracies, that the duration of its exercise be limited to some few days, and that the citizen adjudged worthy to fill the position should be chained by the foot to a cannon-ball in order that he himself should be at each instant within the grasp of the people in case he should forget his duties.

If this salutary measure had been employed immediately after the taking of the Bastile how many disasters would have been prevented! If at that time five hundred traitor heads had fallen, a hundred thousand patriots would not have been

brought to destruction; a hundred thousand patriots would not have been menaced with it; the state would not have been for so long a time rent by factions, convulsed by seditions, given over to disorder, to anarchy, to poverty, to famine, and to civil war; it would not have been in danger of becoming the prey of the inhuman hordes of despots leagued together against us.

All thinkers, gentlemen, feel the justice of this measure; if upon this point you have not yet risen to my height, so much the worse for you; rivers of blood will one day convince you of your error, and you will deplore with bitterness of spirit your fatal self-confidence.

Will you permit me to speak one word of myself! Some have had the audacity to accuse me of having ambitious designs! I will not stoop to deny this ridiculous accusation! Let those still tempted to make it cast a glance over my political career. If I had been willing to put a price upon my silence I should have been glutted with gold — and I am poor. I have never asked either payment or employment; to better serve my country I have braved poverty, danger, and suffering; I have been, each day, pursued by legions of assassins; for three years I have condemned myself to a secret life, and I have maintained the cause of liberty as with head on the block. Speak, cowardly calumniators, is that the conduct of an ambitious man?

Let us cease, gentlemen, to consume precious time in vain altercations and in scandalous wranglings! Let us fear to give consistency to the absurd rumors adroitly disseminated by the enemies of our country with the view of retarding the great work of the constitution and in order to put them to a hard test. Suffer me to urge you to sanction the declaration of rights, to lay the sacred foundations of a government just

and free which shall shape the destiny of France, cement the liberty, and assure the happiness of the people, for whom I am ready at any instant to give my life.

[The tempest that was muttering over the deputation of Paris, and threatened especially the Friend of the People, appeared to be dissipated under the irresistible force of his patriotism; all were speechless; the patriots exchanged glances and appeared to reproach each other with their illogical action; Danton and Robespierre were not able to dissimulate their chagrin at their impolitic and culpable desertion. On their side the Girondists, who had not breathed a word during the discourse, but had watched the conduct of their adversaries, felt that the patriots were united to Marat by only a slender tie. It must be broken, they said among themselves, it must be broken at all hazards — and Vergniaud appeared upon the tribune. "If any misfortune can befall a representative of the people, I feel it to be mine in being obliged to follow upon this tribune a man resting under indictments from which he has not cleared himself." (A murmur of disapprobation told Vergniaud of his lack of tact.) "I glory in it," responded Marat, and the leader of the Girondists was completely crushed by this audacious reply, as sudden as unexpected. Then Boileau, who had witnessed the ignominious defeat of his colleague, presented himself to retrieve the blunder of the former. He mounted the tribune with a copy of the "Friend of the People" in hand, the date of which he carefully concealed, and declaimed its contents: "I demand," he added, "that this monster should be indicted." At this sanguinary motion it became a question among the Anti-revolutionists as to who should exceed Boileau in his expressions.

The tempest had appeared to subside for a moment, but only to burst forth with greater fury upon the head of Marat. Witness his defence:]

I am charged, as by a term of reproach, with the indictments brought against me by the upholders of despotism, with arraignments brought forward at this tribunal by the

representatives of the people prostituted by the court; these are the brevets of honor of which I am proud; to those who are not able to appreciate them I say that the people, in calling me hither to defend their rights, have annulled these arbitrary decrees, have judged my cause, and have declared me guiltless. I am accused of being false, of being a traitor and a plotter, by one who has Number 685 of the "Friend of the People" in hand, and who adduces in proof of his assertion its last article mendaciously altered.

You have been told that I wished to overturn the State, to plunge it into trouble and disorder by causing it to destroy the National Convention. This false statement can have no other end than to mislead the Convention and to rouse its indignation against me. Who are the authors of this atrocious plot? They are evil men whom I have for a long time denounced as the worst enemies of the country, the members of the Brissot faction; see them there before me, they sneer at this very instant at the noise made by the furious cries of their followers who dare to look me in the face.

My accuser has produced against me a number of the "Friend of the People" printed upon the placard addressed to Pétion some ten days ago. Although this article was but the simple expression of my fears, it is also true that my opinion of the composition of the Assembly was formed only after the alarming nomination of a great number of untrustworthy deputies of both legislatures, for the Assembly was not then organized. You see, gentlemen, the opinion I have of it to-day after having seen its workings; it is contained in the new journal which I have just issued under the title of "Journal of the French Republic."

[The reading of the aforesaid number sufficed completely to allay the terrible apprehensions that the accusers of Marat

had succeeded in arousing in the entire assembly. Marat resumed in these words:]

Permit me, gentlemen, to recall you to yourselves after the access of rage against me to which you have abandoned yourselves. What, if by the negligence of my printer my journal had not appeared to-day, you would then have delivered me to the sword of tyranny! No indeed! I should not have perished like a coward; doubt not that if the fatal decree had gone forth I should have escaped from the wrath of my persecutors by blowing out my brains before your eyes. [Here he placed a pistol to his forehead.]

The indictment of him who should propose a dictatorship, a tribunate, or triumvirate has been demanded of you; it is a false step which you are thus urged to take; this expedient for the public welfare depends finally upon the people themselves. If it is ever judged necessary by them they will take it despite your decrees, as they have adopted methods more terrible despite the decrees of the National Assembly, and you will have compromised your authority needlessly and without result.

[Special translation by Mary E. Adams.]

ELLSWORTH

OLIVER ELLSWORTH, an American jurist, was born at Windsor, Connecticut, April 29, 1745, and died there, November 26, 1807. He was educated at Yale and Princeton colleges, and at first took up the study of theology, which he soon relinquished for that of the law, and was admitted to the bar in 1771. He took a deep interest in political affairs and at the opening of the American Revolution represented his native town in the General Assembly. In 1778 he went as delegate to the Continental Congress, remaining until 1783. In the following year he was appointed judge of the superior court of Connecticut, and, after serving in the Constitutional Convention at Philadelphia in 1787, was subsequently called to ratify it by his own State. Entering the United States Senate in 1789 he was a noteworthy figure there on account of his skill in debate, and, as a hearty supporter of Washington's administration, led the Federalists in the Senate. He was influential in having Jay sent to England in 1794, and in 1798 succeeded him as chief justice of the supreme court of the United States, in which high office his decisions appear to have met with the approval of men of both political parties. Ellsworth was appointed in 1799 one of the three envoys extraordinary to France, and as such assisted in arranging the treaty between France and the United States in March, 1800, which restored good feeling between the two nations. He resigned the chief justiceship on account of ill health, and in 1802 was elected to the State Council of Connecticut, of which he was a member at the time of his death.

SPEECH ON THE POWER OF CONGRESS TO LEVY TAXES

DELIVERED IN THE CONNECTICUT CONVENTION, JANUARY 7, 1788

MR. PRESIDENT,—This is a most important clause in the constitution, and the gentlemen do well to offer all the objections which they have against it. Through the whole of this debate I have attended to the objections which have been made against this clause, and I think them all to be unfounded. The clause is general; it gives the general legislature "power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United

States." There are three objections against this clause: first, that it is too extensive, as it extends to all the objects of taxation; secondly, that it is partial; thirdly, that Congress ought not to have power to lay taxes at all.

The first objection is that this clause extends to all the objects of taxation. But though it does extend to all it does not extend to them exclusively. It does not say that Congress shall have all these sources of revenue and the States none. All excepting the impost still lie open to the States. This State owes a debt; it must provide for the payment of it. So do all the other States.

This will not escape the attention of Congress. When making calculations to raise a revenue they will bear this in mind. They will not take away that which is necessary for the States. They are the head and will take care that the members do not perish. The State debt, which now lies heavy upon us, arose from the want of powers in the federal system. Give the necessary powers to the national government, and the State will not be again necessitated to involve itself in debt for its defence in war. It will lie upon the national government to defend all the States, to defend all its members, from hostile attacks.

The United States will bear the whole burden of war. It is necessary that the power of the general legislature should extend to all the objects of taxation, that government should be able to command all the resources of the country, because no man can tell what our exigencies may be. Wars have now become rather wars of the purse than of the sword. Government must therefore be able to command the whole power of the purse; otherwise a hostile nation may look into our constitution, see what resources are in the power of government, and calculate to go a little beyond us; thus they may

obtain a decided superiority over us and reduce us to the utmost distress. A government which can command but half its resources is like a man with but one arm to defend himself.

The second objection is that the impost is not a proper mode of taxation; that it is partial to the southern States. I confess I am mortified when I find gentlemen supposing that their delegates in Convention were inattentive to their duty and made a sacrifice of the interests of their constituents. If, however, the impost be a partial mode, this circumstance, high as my opinion of it is, would weaken my attachment to it; for I abhor partiality. But I think there are three special reasons why an impost is the best way of raising a national revenue.

The first is, it is the most fruitful and easy way. All nations have found it to be so. Direct taxation can go but little way towards raising a revenue. To raise money in this way, people must be provident; they must constantly be laying up money to answer the demands of the collector. But you cannot make people thus provident. If you do anything to the purpose, you must come in when they are spending, and take a part with them. This does not take away the tools of a man's business or the necessary utensils of his family: it only comes in when he is taking his pleasure and feels generous; when he is laying out a shilling for superfluities it takes twopence of it for public use, and the remainder will do him as much good as the whole.

I will instance two facts which show how easy and insensibly a revenue is raised by indirect taxation. I suppose people in general are not sensible that we pay a tax to the State of New York. Yet it is an incontrovertible fact that we, the people of Connecticut, pay annually into the treasury of New York more than $50,000. Another instance I will

mention: one of our common river sloops pays in the West Indies a portage bill of £60.

This is a tax which foreigners lay upon us, and we pay it; for a duty laid upon our shipping which transports our produce to foreign markets sinks the price of our produce and operates as an effectual tax upon those who till the ground and bring the fruits of it to market. All nations have seen the necessity and propriety of raising a revenue by indirect taxation, by duties upon articles of consumption. France raises a revenue of £24,000,000 per annum, and it is chiefly in this way. Fifty millions of livres they raise upon the single article of salt. The Swiss Cantons raise almost the whole of their revenue upon salt. Those States purchase all the salt which is to be used in the country: they sell it out to the people at an advanced price; the advance is the revenue of the country.

In England the whole public revenue is about £12,000,000 per annum. The land tax amounts to about £2,000,000; the window and some other taxes to about £2,000,000 more. The other £8,000,000 are raised upon articles of consumption. The whole standing army of Great Britain could not enforce the collection of this vast sum by direct taxation. In Holland their prodigious taxes, amounting to forty shillings for each inhabitant, are levied chiefly upon articles of consumption. They excise everything, not even excepting their houses of infamy.

The experiments which have been made in our own country show the productive nature of indirect taxes. The imports into the United States amount to a very large sum. They will never be less, but will continue to increase for centuries to come. As the population of our country increases, the imports will necessarily increase. They will increase

because our citizens will choose to be farmers, living independently on their freeholds, rather than to be manufacturers and work for a groat a day. I find by calculation that a general impost of five per cent would raise the sum of £245,000 per annum, deducting eight per cent for the charges of collecting. A further sum might be deducted for smuggling — a business which is too well understood among us and which is looked upon in too favorable a light.

But this loss in the public revenue will be overbalanced by an increase of importations, and a further sum may be reckoned upon some articles which will bear a higher duty than the one recommended by Congress. Rum, instead of 4d. per gallon, may be set higher without any detriment to our health or morals. In England it pays a duty of 4s. 6d. the gallon.

Now, let us compare this source of revenue with our national wants. The interest of the foreign debt is £130,000, lawful money, per annum. The expenses of the civil list are £37,000. There are likewise further expenses for maintaining the frontier posts, for the support of those who have been disabled in the service of the continent, and some other contingencies, amounting, together with the civil list, to £130,000. This sum, added to the interest of the foreign debt, will be £260,000. The consequence follows that the avails of the impost will pay the interest of the whole foreign debt and nearly satisfy those current national expenses.

But perhaps it will be said that these paper calculations are overdone, and that the real avails will fall far short. Let me point out, then, what has actually been done. In only three of the States—in Massachusetts, New York, and Pennsylvania—£160,000 or £180,000 per annum have been raised by impost. From this fact we may certainly conclude that, if

a general impost should be laid, it would raise a greater sum than I have calculated. It is a strong argument in favor of an impost that the collection of it will interfere less with the internal police of the States than any other species of taxation. It does not fill the country with revenue officers, but is confined to the seacoast and is chiefly a water operation. Another weighty reason in favor of this branch of the revenue is, if we do not give it to Congress the individual States will have it. It will give some States an opportunity of oppressing others and destroy all harmony between them. If we would have the States friendly to each other let us take away this bone of contention and place it, as it ought in justice to be placed, in the hands of the general government.

"But," says an honorable gentleman near me, "the impost will be a partial tax; the southern States will pay but little in comparison with the northern."

I ask, What reason is there for this assertion?

Why, says he, we live in a cold climate and want warming. Do not they live in a hot climate and want quenching? Until you get as far south as the Carolinas there is no material difference in the quantity of clothing which is worn. In Virginia they have the same course of clothing that we have; in Carolina they have a great deal of cold, raw, chilly weather; even in Georgia the river Savannah has been crossed upon the ice. And if they did not wear quite so great a quantity of clothing in those States as with us, yet people of rank wear that which is of a much more expensive kind.

In these States we manufacture one half of our clothing and all our tools of husbandry; in those they manufacture none, nor ever will. They will not manufacture because they find it much more profitable to cultivate their lands, which are exceedingly fertile. Hence they import almost every-

thing, not excepting the carriages in which they ride, the hoes with which they till the ground, and the boots which they wear.

If we doubt of the extent of their importations let us look at their exports. So exceedingly fertile and profitable are their lands that a hundred large ships are every year loaded with rice and indigo from the single port of Charleston.

The rich return of these cargoes of immense value will be all subject to the impost. Nothing is omitted; a duty is to be paid upon the blacks which they import. From Virginia their exports are valued at £1,000,000 per annum; the single article of tobacco amounts to $700,000 or $800,000. How does this come back? Not in money, for the Virginians are poor to a proverb in money. They anticipate their crops; they spend faster than they earn; they are ever in debt. Their rich exports return in eatables, in drinkables, and in wearables. All these are subject to the impost. In Maryland their exports are as great in proportion as those in Virginia. The imports and exports of the southern States are quite as great in proportion as those of the northern. Where, then, exists this partiality which has been objected? It exists nowhere but in the uninformed mind.

But there is one objection, Mr. President, which is broad enough to cover the whole subject. Says the objector, Congress ought not to have power to raise any money at all. Why? Because they have the power of the sword, and if we give them the power of the purse they are despotic. But I ask, sir, if ever there were a government without the power of the sword and the purse? This is not a new coined phrase; but it is misapplied; it belongs to quite another subject. It was brought into use in Great Britain, where they have a king vested with hereditary power.

Here, say they, it is dangerous to place the power of the sword and the purse in the hands of one man who claims an authority independent of the people; therefore we will have a Parliament. But the king and Parliament together, the supreme power of the nation, they have the sword and the purse. And they must have both, else how could the country be defended?

For the sword without the purse is of no effect; it is a sword in the scabbard. But does it follow, because it is dangerous to give the power of the sword and purse to an hereditary prince who is independent of the people, that therefore it is dangerous to give it to the Parliament — to Congress, which is your Parliament — to men appointed by yourselves and dependent upon yourselves? This argument amounts to this: you must cut a man in two in the middle to prevent his hurting himself.

But, says the honorable objector, if Congress levies money, they must legislate. I admit it. Two legislative powers, says he, cannot legislate in the same place. I ask, Why can they not? It is not enough to say they cannot. I wish for some reason. I grant that both cannot legislate upon the same object at the same time and carry into effect laws which are contrary to each other. But the constitution excludes everything of this kind.

Each legislature has its province; their limits may be distinguished. If they will run foul of each other, if they will be trying who has the hardest head, it cannot be helped. The road is broad enough; but if two men will jostle each other the fault is not in the road. Two several legislatures have in fact existed and acted at the same time in the same territory. It is in vain to say they cannot exist when they actually have done it.

In the time of the war we had an army. Who made the laws for the army? By whose authority were offenders tried and executed? Congress. By their authority a man was taken, tried, condemned, and hanged in this very city. He belonged to the army; he was a proper subject of military law, he deserted to the enemy, he deserved his fate. Wherever the army was, in whatever State, there Congress had complete legislative, judicial, and executive powers. This very spot where we now are is a city. It has complete legislative, judicial, and executive powers; it is a complete State in miniature. Yet it breeds no confusion, it makes no schism. The city has not eaten up the State, nor the State the city. But if there be a new city, if it has not had time to unfold its principles; I will instance the city of New York, which is and long has been an important part of the State; it has been found beneficial; its powers and privileges have not clashed with the State.

The city of London contains three or four times as many inhabitants as the whole State of Connecticut. It has extensive powers of government and yet it makes no interference with the general government of the kingdom. This constitution defines the extent of the powers of the general government. If the general legislature should at any time overleap their limits, the judicial department is a constitutional check. If the United States go beyond their powers, if they make a law which the constitution does not authorize, it is void, and the judicial power, the national judges, who, to secure their impartiality, are to be made independent, will declare it to be void.

On the other hand, if the States go beyond their limits, if they make a law which is a usurpation upon the general government, the law is void, and upright, independent judges

will declare it to be so. Still, however, if the United States and the individual States will quarrel, if they want to fight, they may do it, and no frame of government can possibly prevent it. It is sufficient for this constitution that, so far from laying them under a necessity of contending, it provided every reasonable check against it.

But perhaps, at some time or other, there will be a contest; the States may rise against the general government. If this do take place, if all the States combine, if all oppose, the whole will not eat up the members, but the measure which is opposed to the sense of the people will prove abortive.

In republics it is a fundamental principle that the majority govern and that the minority comply with the general voice. How contrary, then, to republican principles; how humiliating is our present situation! A single State can rise up and put a veto upon the most important public measures. We have seen this actually take place. A single State has controlled the general voice of the Union; a minority, a very small minority, has governed us. So far is this from being consistent with republican principles that it is, in effect, the worst species of monarchy.

Hence we see how necessary for the Union is a coercive principle. No man pretends the contrary: we all see and feel this necessity. The only question is, Shall it be a coercion of law or a coercion of arms? There is no other possible alternative. Where will those who oppose a coercion of law come out? Where will they end? A necessary consequence of their principles is a war of the States one against the other. I am for coercion by law — that coercion which acts only upon delinquent individuals. This constitution does not attempt to coerce sovereign bodies, States, in their political capacity. No coercion is applicable to such bodies but that

of an armed force. If we should attempt to execute the laws of the Union by sending an armed force against a delinquent State, it would involve the good and bad, the innocent and guilty, in the same calamity.

But this legal coercion singles out the guilty individual and punishes him for breaking the laws of the Union. All men will see the reasonableness of this; they will acquiesce, and say, Let the guilty suffer.

How have the morals of the people been depraved for the want of an efficient government which might establish justice and righteousness. For the want of this, iniquity has come in upon us like an overflowing flood. If we wish to prevent this alarming evil, if we wish to protect the good citizen in his right, we must lift up the standard of justice; we must establish a national government to be enforced by the equal decisions of law and the peaceable arm of the magistrate.

JAY

JOHN JAY, a distinguished American statesman and diplomatist, was born in New York city, December 12, 1745, and after being educated at King's College (now Columbia University) and studying law, was admitted to the bar in 1768. From the first he was an earnest advocate of patriotic principles and to him is attributed the suggestion that a Continental Congress be called in 1774. He wrote the "Address to the People of Great Britain," which the first Congress adopted, and another to the people of Canada, adopted by the second. In the Provincial Congress of New York, Jay was the most important member, and its state papers, including the Constitution of 1777, were written by him. In that year he was made chief justice of New York, was chosen president of the Continental Congress in the succeeding year, and sent as minister to Spain in 1780. With Franklin and Adams he negotiated the treaty of peace with Great Britain in 1782, and from 1784-89 was secretary of foreign affairs. He contributed several papers to "The Federalist" in support of the Federal Constitution, and was of much service in securing its ratification by the New York convention in the face of severe opposition. In 1789 Jay was appointed the first chief justice of the United States, and in 1794 was sent abroad as minister to Great Britain, where he negotiated the treaty commonly called by his name, and for which he was subjected to much abuse from his political opponents, even being burnt in effigy in Boston. From 1795 to 1801 he was governor of New York and in the last-named year, declining a second appointment to the chief-justiceship, returned to his estate at Bedford, New York, and withdrew entirely from political life, though still active in religious and philanthropic matters. Through his influence slavery was abolished in New York in 1799. He died at Bedford, May 17, 1829. His "Correspondence and Public Papers," edited in four volumes by Johnston, appeared in 1893.

ADDRESS TO THE PEOPLE OF GREAT BRITAIN

[Congress, on October 11, 1774, appointed Mr. Lee, Mr. Livingston and Mr. Jay a committee to prepare a memorial to the people of British America, and an address to the people of Great Britain. On the 18th, Mr. Jay reported a draught of the address, which was discussed and amended on the day following, and on the 21st was approved by Congress.]

FRIENDS AND FELLOW SUBJECTS,—When a nation led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of

forging chains for her friends and children, and, instead of giving support to freedom, turns advocate for slavery and oppression, there is reason to suspect she has either ceased to be virtuous or been extremely negligent in the appointment of her rulers.

In almost every age, in repeated conflicts in long and bloody wars, as well civil as foreign, against many and powerful nations, against the open assaults of enemies, and the more dangerous treachery of friends, have the inhabitants of your island, your great and glorious ancestors, maintained their independence and transmitted the rights of men and the blessings of liberty to you, their posterity.

Be not surprised, therefore, that we who are descended from the same common ancestors, that we whose forefathers participated in all the rights, the liberties, and the constitution you so justly boast of, and who have carefully conveyed the same fair inheritance to us, guaranteed by the plighted faith of government and the most solemn compacts with British sovereigns, should refuse to surrender them to men who found their claims on no principles of reason, and who prosecute them with a design that, by having our lives and property in their power, they may, with the greatest facility, enslave you.

The cause of America is now the object of universal attention: it has at length become very serious. This unhappy country has not only been oppressed, but abused and misrepresented; and the duty we owe to ourselves and posterity, to your interest, and the general welfare of the British empire, leads us to address you on this very important subject.

Know, then, that we consider ourselves, and do insist, that we are and ought to be as free as our fellow subjects in Britain, and that no power on earth has a right to take our property from us without our consent.

That we claim all the benefits secured to the subject by the English constitution, and particularly that inestimable one of trial by jury.

That we hold it essential to English liberty that no man be condemned unheard, or punished for supposed offences without having an opportunity of making his defence.

That we think the legislature of Great Britain is not authorized by the constitution to establish a religion fraught with sanguinary and impious tenets, or to erect an arbitrary form of government in any quarter of the globe. These rights we, as well as you, deem sacred; and yet, sacred as they are, they have, with many others, been repeatedly and flagrantly violated.

Are not the proprietors of the soil of Great Britain lords of their own property? Can it be taken from them without their consent? Will they yield it to the arbitrary disposal of any man or number of men whatever? You know they will not.

Why, then, are the proprietors of the soil of America less lords of their property than you are of yours? or why should they submit it to the disposal of your Parliament, or any other parliament or council in the world not of their election? Can the intervention of the sea that divides us cause disparity in rights, or can any reason be given why English subjects who live three thousand miles from the royal palace should enjoy less liberty than those who are three hundred miles distant from it?

Reason looks with indignation on such distinctions, and freemen can never perceive their propriety. And yet, however chimerical and unjust such discriminations are, the Parliament assert that they have a right to bind us in all cases, without exception, whether we consent or not; that they may take and use our property when and in what manner they

please; that we are pensioners on their bounty for all that we possess, and can hold it no longer than they vouchsafe to permit. Such declarations we consider as heresies in English politics, and which can no more operate to deprive us of our property than the interdicts of the Pope can divest kings of sceptres which the laws of the land and the voice of the people have placed in their hands.

At the conclusion of the late war — a war rendered glorious by the abilities and integrity of a minister to whose efforts the British empire owes its safety and its fame; at the conclusion of this war, which was succeeded by an inglorious peace, formed under the auspices of a minister of principles and of a family unfriendly to the Protestant cause and inimical to liberty — we say at this period, and under the influence of that man, a plan for enslaving your fellow subjects in America was concerted, and has ever since been pertinaciously carrying into execution.

Prior to this era you were content with drawing from us the wealth produced by our commerce: you restrained your trade in every way that could conduce to your emolument. You exercised unbounded sovereignty over the sea. You named the ports and nations to which alone our merchandise should be carried, and with whom alone we should trade; and though some of these restrictions were grievous, we nevertheless did not complain. We looked up to you as to our parent state, to which we were bound by the strongest ties, and were happy in being instrumental to your prosperity and your grandeur.

We call upon you, yourselves, to witness our loyalty and attachment to the common interest of the whole empire. Did we not, in the last war, add all the strength of this vast continent to the force which repelled our common enemy?

Did we not leave our native shores and meet disease and death to promote the success of British arms in foreign climates? Did you not thank us for our zeal, and even reimburse us large sums of money which you confessed we had advanced beyond our proportion and far beyond our abilities? You did.

To what causes, then, are we to attribute the sudden change of treatment and that system of slavery which was prepared for us at the restoration of peace?

Before we had recovered from the distresses which ever attend war, an attempt was made to drain this country of all its money by the oppressive Stamp Act. Paint, glass, and other commodities which you would not permit us to purchase of other nations were taxed; nay, although no wine is made in any country subject to the British state, you prohibited our procuring it of foreigners without paying a tax, imposed by your Parliament, on all we imported. These and many other impositions were laid upon us, most unjustly and unconstitutionally, for the express purpose of raising a revenue. In order to silence complaint it was indeed provided that this revenue should be expended in America for its protection and defence,

These exactions, however, can receive no justification from a pretended necessity of protecting and defending us. They are lavishly squandered on court favorites and ministerial dependents, generally avowed enemies to America, and employing themselves by partial representations to traduce and embroil the colonies.

For the necessary support of government here, we ever were and ever shall be ready to provide. And whenever the exigencies of the state may require it, we shall, as we have heretofore done, cheerfully contribute our full proportion of men and money.

To enforce this unconstitutional and unjust scheme of taxation, every fence that the wisdom of our British ancestors had carefully erected against arbitrary power has been violently thrown down in America, and the inestimable right of trial by jury taken away in cases that touch both life and property. It was ordained that whenever offences should be committed in the colonies against particular acts imposing various duties and restrictions upon trade, the prosecutor might bring his action for the penalties in the courts of admiralty, by which means the subject lost the advantage of being tried by an honest, uninfluenced jury of the vicinage, and was subjected to the sad necessity of being judged by a single man, a creature of the crown, and according to the course of a law which exempts the prosecutor from the trouble of proving his accusation and obliges the defendant either to evince his innocence or to suffer.

To give this new judicatory the greater importance, and as if with design to protect false accusers, it is further provided that the judge's certificate of there having been probable causes of seizure and prosecution shall protect the prosecutor from actions at common law for recovery of damages.

By the course of our law, offences committed in such of the British dominions in which courts are established and justice duly and regularly administered shall be there tried by a jury of the vicinage. There the offenders and the witnesses are known, and the degree of credibility to be given to their testimony can be ascertained.

In all these colonies justice is regularly and impartially administered; and yet, by the construction of some, and the direction of other acts of Parliament, offenders are to be taken by force, together with all such persons as may be pointed out as witnesses, and carried to England, there to be tried in

a distant land by a jury of strangers and subject to all the disadvantages that result from the want of friends, want of witnesses, and want of money.

When the design of raising a revenue from the duties imposed on the importation of tea into America had in great measure been rendered abortive by our ceasing to import that commodity, a scheme was concerted by the ministry with the East India Company, and an act passed enabling and encouraging them to transport and vend it in the colonies. Aware of the danger of giving success to this insidious manœuvre, and of permitting a precedent of taxation thus to be established among us, various methods were adopted to elude the stroke.

The people of Boston, then ruled by a governor whom, as well as his predecessor, Sir Francis Bernard, all America considers as her enemy, were exceedingly embarrassed. The ships which had arrived with the tea were, by his management, prevented from returning. The duties would have been paid; the cargoes landed and exposed to sale; a governor's influence would have procured and protected many purchasers.

While the town was suspended by deliberations on this important subject the tea was destroyed. Even supposing a trespass was thereby committed, and the proprietors of the tea entitled to damages, the courts of law were open, and judges appointed by the crown presided in them. The East India Company, however, did not think proper to commence any suits, nor did they even demand satisfaction, either from individuals or from the community in general. The ministry, it seems, officiously made the case their own, and the great council of the nation descended to intermeddle with a dispute about private property. Divers papers, letters, and other unauthenticated *ex parte* evidence, were laid before them.

Neither the persons who destroyed the tea, nor the people of Boston, were called upon to answer the complaint.

The ministry, incensed by being disappointed in a favorite scheme, were determined to recur from the little arts of finesse to open force and unmanly violence. The port of Boston was blocked up by a fleet, and an army placed in the town. Their trade was to be suspended, and thousands reduced to the necessity of gaining subsistence from charity, till they should submit to pass under the yoke and consent to become slaves, by confessing the omnipotence of Parliament, and acquiescing in whatever disposition they might think proper to make of their lives and property.

Let justice and humanity cease to be the boast of your nation! Consult your history; examine your records of former transactions; nay, turn to the annals of the many arbitrary states and kingdoms that surround you, and show us a single instance of men being condemned to suffer for imputed crimes, unheard, unquestioned, and without even the specious formality of a trial; and that, too, by laws made expressly for the purpose and which had no existence at the time of the fact committed.

If it be difficult to reconcile these proceedings to the genius and temper of your laws and constitution, the task will become more arduous when we call upon our ministerial enemies to justify, not only condemning men untried and by hearsay, but involving the innocent in one common punishment with the guilty, and for the act of thirty or forty to bring poverty, distress, and calamity on thirty thousand souls, and those not your enemies, but your friends, brethren, and fellow subjects.

It would be some consolation to us if the catalogue of American oppressions ended here. It gives us pain to be

reduced to the necessity of reminding you that under the confidence reposed in the faith of government, pledged in a royal charter from a British sovereign, the forefathers of the present inhabitants of the Massachusetts Bay left their former habitations and established that great, flourishing, and loyal colony.

Without incurring or being charged with a forfeiture of their rights, without being heard, without being tried, without law and without justice, by an act of Parliament their charter is destroyed, their liberties violated, their constitution and form of government changed; and all this upon no better pretence than because in one of their towns a trespass was committed on some merchandise said to belong to one of the companies, and because the ministry were of opinion that such high political regulations were necessary to compel due subordination and obedience to their mandates.

Nor are these the only capital grievances under which we labor. We might tell of dissolute, weak, and wicked governors having been set over us; of legislatures being suspended for asserting the rights of British subjects; of needy and ignorant dependents on great men advanced to the seats of justice and to other places of trust and importance; of hard restrictions on commerce, and a great variety of lesser evils the recollection of which is almost lost under the weight and pressure of greater and more poignant calamities.

Now mark the progression of the ministerial plan for enslaving us.

Well aware that such hardy attempts to take our property from us; to deprive us of that valuable right of trial by jury; to seize our persons, and carry us for trial to Great Britain; to blockade our ports; to destroy our charters and change our forms of government,—would occasion, and had already

occasioned, great discontent in the colonies, which might produce opposition to these measures, an act was passed to protect, indemnify, and screen from punishment such as might be guilty even of murder in endeavoring to carry their oppressive edicts into execution; and by another act the dominion of Canada is to be so extended, modelled, and governed as that, by being disunited from us, detached from our interests, by civil as well as religious prejudices; that by their numbers daily swelling with Catholic emigrants from Europe, and by their devotion to an administration so friendly to their religion, they might become formidable to us, and on occasion be fit instruments, in the hands of power, to reduce the ancient free Protestant colonies to the same state of slavery with themselves.

This was evidently the object of the act; and in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it as hostile to British America. Superadded to these considerations we cannot help deploring the unhappy condition to which it has reduced the many English settlers who, encouraged by the royal proclamation promising the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of trial by jury, and, when imprisoned, cannot claim the benefit of the habeas corpus act — that great bulwark and palladium of English liberty. Nor can we suppress our astonishment that a British Parliament should ever consent to establish in that country a religion that has deluged your island in blood and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world.

This being a true state of facts, let us beseech you to consider to what end they may lead.

Admit that the ministry, by the powers of Britain and the aid of our Roman Catholic neighbors, should be able to carry the point of taxation and reduce us to a state of perfect humiliation and slavery: such an enterprise would doubtless make some addition to your national debt, which already presses down your liberties and fills you with pensioners and placemen. We presume, also, that your commerce will somewhat be diminished. However, suppose you should prove victorious, in what condition will you then be? What advantages or laurels will you reap from such a conquest?

May not a ministry with the same armies enslave you? It may be said you will cease to pay them — but remember the taxes from America, the wealth, and, we may add, the men, and particularly the Roman Catholics of this vast continent, will then be in the power of your enemies; nor will you have any reason to expect that after making slaves of us many among us should refuse to assist in reducing you to the same abject state.

Do not treat this as chimerical. Know that in less than half a century the quitrents reserved to the crown from the numberless grants of this vast continent will pour large streams of wealth into the royal coffers, and if to this be added the power of taxing America at pleasure, the crown will be rendered independent of you for supplies, and will possess more treasure than may be necessary to purchase the remains of liberty in your island. In a word, take care that you do not fall into the pit that is preparing for us.

We believe there is yet much virtue, much justice, and much public spirit in the English nation. To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts, but calumnies. Permit

us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory and our greatest happiness; we shall ever be ready to contribute all in our power to the welfare of the empire: we shall consider your enemies as our enemies and your interest as our own.

But if you are determined that your ministers shall wantonly sport with the rights of mankind; if neither the voice of justice, the dictates of the law, the principles of the constitution, or the suggestions of humanity, can restrain your hands from shedding human blood in such an impious cause, we must then tell you that we will never submit to be hewers of wood or drawers of water for any ministry or nation in the world.

Place us in the same situation that we were in at the close of the last war, and our former harmony will be restored.

But lest the same supineness, and the same inattention to our common interest, which you have for several years shown, should continue, we think it prudent to anticipate the consequences.

By the destruction of the trade of Boston the ministry have endeavored to induce submission to their measures. The like fate may befall us all. We will endeavor, therefore, to live without trade, and recur for subsistence to the fertility and bounty of our native soil, which will afford us all the necessaries and some of the conveniences of life. We have suspended our importation from Great Britain and Ireland; and, in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms and the West Indies.

It is with the utmost regret, however, that we find ourselves compelled, by the overruling principles of self-preservation, to adopt measures detrimental in their consequences, to num-

bers of our fellow subjects in Great Britain and Ireland. But we hope that the magnanimity and justice of the British nation will furnish a Parliament of such wisdom, independence, and public spirit as may save the violated rights of the whole empire from the devices of wicked ministers and evil counsellors, whether in or out of office; and thereby restore that harmony, friendship, and fraternal affection between all the inhabitants of his Majesty's kingdoms and territories so ardently wished for by every true and honest American.

HENRY GRATTAN

HENRY GRATTAN was born in 1746; his father, a Protestant, was for many years Recorder of the City of Dublin, and for five years its representative in the Irish Parliament. His mother was a daughter of Thomas Marlay, Chief-Justice of Ireland. Both at school and at Trinity College, Dublin, which he entered in 1763, young Grattan greatly distinguished himself. In 1767 he began to keep his terms in the Middle Temple, London, and was called to the Irish bar in 1772. From the time that he left the university, he seems to have given his attention chiefly to politics and to the study of popular oratory. When in 1775 he entered the Irish Parliament, his powers were already under full command, and he became almost immediately the acknowledged leader of the Opposition. It was he more than any other man who secured the repeal of Poyning's Act, and the resultant independence of the Irish Parliament. Before the rebellion of 1798 Grattan had retired to private life, but in 1800, though in feeble health, he re-entered the Irish Parliament for the special purpose of opposing the motion for union with Great Britain. He exerted all his eloquence in condemnation of the measure. After the Union was effected, he withdrew a second time from public life, but in 1805 entered the English Parliament in order to render his assistance to the passing of the Catholic relief bill. He continued to advocate the concession of political rights to Catholics up to his death, in 1820. It is thought that, as regards subject matter, his speeches do not suffer from comparison even with those of Burke, while they are almost unequalled in respect of the incisive vigor and startling originality of the style.

AGAINST ENGLISH IMPERIALISM

DELIVERED IN THE IRISH PARLIAMENT, APRIL 19, 1780

SIR, I have entreated an attendance on this day that you might, in the most public manner, deny the claim of the British Parliament to make law for Ireland, and with one voice lift up your hands against it.

If I had lived when the 9th of William took away the woollen manufacture, or when the 6th of George I.

declared this country to be dependent and subject to laws to be enacted by the Parliament of England, I should have made a covenant with my own conscience to seize the first moment of rescuing my country from the ignominy of such acts of power; or, if I had a son, I should have administered to him an oath that he would consider himself a person separate and set apart for the discharge of so important a duty; upon the same principle I am now come to move a Declaration of Right, the first moment occurring, since my time, in which such a declaration could be made with any chance of success, and without aggravation of oppression.

Sir, it must appear to every person that, notwithstanding the import of sugar and export of woollens, the people of this country are not satisfied—something remains; the greater work is behind; the public heart is not well at ease. To promulgate our satisfaction; to stop the throats of millions with the votes of Parliament; to preach homilies to the volunteers; to utter invectives against the people, under pretence of affectionate advice, is an attempt, weak, suspicious, and inflammatory.

You cannot dictate to those whose sense you are intrusted to represent; your ancestors, who sat within these walls, lost to Ireland trade and liberty; you, by the assistance of the people, have recovered trade; you still owe the kingdom liberty; she calls upon you to restore it.

The ground of public discontent seems to be: "We have gotten commerce, but not freedom"; the same power which took away the export of woollens and the export of glass may take them away again; the repeal is partial, and the ground of repeal is upon a principle of expediency.

Sir, "expedient" is a word of appropriated and tyrannical import; "expedient" is an ill-omened word, selected to express the reservation of authority, while the exercise is mitigated; "expedient" is the ill-omened expression of the Repeal of the American Stamp Act. England thought it "expedient" to repeal that law; happy had it been for mankind, if, when she withdrew the exercise, she had not reserved the right! To that reservation she owes the loss of her American empire, at the expense of millions, and America the seeking of liberty through a sea of bloodshed. The repeal of the Woollen Act, similarly circumstanced, pointed against the principle of our liberty—a present relaxation, but tyranny in reserve—may be a subject for illumination to a populace, or a pretence for apostasy to a courtier, but cannot be the subject of settled satisfaction to a freeborn, intelligent, and injured community. It is therefore they consider the free trade as a trade *de facto*, not *de jure;* as a license to trade under the Parliament of England, not a free trade under the charters of Ireland;—as a tribute to her strength to maintain which she must continue in a state of armed preparation, dreading the approach of a general peace, and attributing all she holds dear to the calamitous condition of the British interest in every quarter of the globe. This dissatisfaction, founded upon a consideration of the liberty we have lost, is increased when they consider the opportunity they are losing; for if this nation, after the death wound given to her freedom, had fallen on her knees in anguish, and besought the Almighty to frame an occasion in which a weak and injured people might recover their rights, prayer could not have asked, nor God have furnished, a moment more opportune for the restoration of

liberty, than this, in which I have the honor to address you.

England now smarts under the lesson of the American War; the doctrine of Imperial legislature she feels to be pernicious; the revenues and monopolies annexed to it she has found to be untenable; she lost the power to enforce it; her enemies are a host, pouring upon her from all quarters of the earth; her armies are dispersed; the sea is not hers; she has no minister, no ally, no admiral, none in whom she long confides, and no general whom she has not disgraced; the balance of her fate is in the hands of Ireland; you are not only her last connection, you are the only nation in Europe that is not her enemy. Besides, there does, of late, a certain damp and spurious supineness overcast her arms and councils, miraculous as that vigor which has lately inspirited yours—for with you everything is the reverse; never was there a Parliament in Ireland so possessed of the confidence of the people; you are the greatest political assembly now sitting in the world; you are at the head of an immense army; nor do we only possess an unconquerable force, but a certain unquenchable public fire, which has touched all ranks of men like a visitation.

Turn to the growth and spring of your country, and behold and admire it; where do you find a nation who, upon whatever concerns the rights of mankind, expresses herself with more truth or force, perspicuity or justice? not the set phrase of scholastic men, not the tame unreality of court addresses, not the vulgar raving of a rabble, but the genuine speech of liberty, and the unsophisticated oratory of a free nation.

See her military ardor, expressed, not only in forty

thousand men, conducted by instinct as they were raised by inspiration, but manifested in the zeal and promptitude of every young member of the growing community. Let corruption tremble; let the enemy, foreign or domestic, tremble; but let the friends of liberty rejoice at these means of safety and this hour of redemption. Yes; there does exist an enlightened sense of rights, a young appetite for freedom, a solid strength, and a rapid fire, which not only put a declaration of right within your power, but put it out of your power to decline one. Eighteen counties are at your bar; they stand there with the compact of Henry, with the charter of John, and with all the passions of the people. "Our lives are at your service, but our liberties—we received them from God; we will not resign them to man." Speaking to you thus, if you repulse these petitioners, you abdicate the privileges of Parliament, forfeit the rights of the kingdom, repudiate the instruction of your constitutents, bilge the sense of your country, palsy the enthusiasm of the people, and reject that good which not a minister, not a Lord North, not a Lord Buckinghamshire, not a Lord Hillsborough, but a certain providential conjuncture, or, rather, the hand of God, seems to extend to you. Nor are we only prompted to this when we consider our strength; we are challenged to it when we look to Great Britain. The people of that country are now waiting to hear the Parliament of Ireland speak on the subject of their liberty; it begins to be made a question in England whether the principal persons wish to be free; it was the delicacy of former Parliaments to be silent on the subject of commercial restrictions, lest they should show a knowledge of the fact, and not a sense of the violation; you have spoken out, you have shown

a knowledge of the fact, and not a sense of the violation. On the contrary, you have returned thanks for a partial repeal made on a principle of power; you have returned thanks as for a favor, and your exultation has brought your characters, as well as your spirit, into question, and tends to shake to her foundation your title to liberty; thus you do not leave your rights where you found them. You have done too much not to do more; you have gone too far not to go on; you have brought yourselves into that situation in which you must silently abdicate the rights of your country, or publicly restore them. It is very true you may feed your manufacturers, and landed gentlemen may get their rents, and you may export woollen, and may load a vessel with baize, serges, and kerseys, and you may bring back again directly from the plantations sugar, indigo, speckle-wood, beetle-root, and panellas. But liberty, the foundation of trade, the charters of the land, the independency of Parliament, the securing, crowning, and the consummation of everything are yet to come. Without them the work is imperfect, the foundation is wanting, the capital is wanting, trade is not free, Ireland is a colony without the benefit of a charter, and you are a provincial synod without the privileges of a Parliament.

I read Lord North's proposition; I wish to be satisfied, but I am controlled by a paper—I will not call it a law—it is the 6th of George I. [The paper was read.] I will ask the gentlemen of the long robe: Is this the law? I ask them whether it is not practice. I appeal to the judges of the land whether they are not in a course of declaring that the Parliament of Great Britain, naming Ireland, binds her. I appeal to the magistrates of justice whether they do not, from time to time, execute certain acts of the

British Parliament. I appeal to the officers of the army whether they do not fine, confine, and execute their fellow-subjects by virtue of the Mutiny Act, an act of the British Parliament; and I appeal to this House whether a country so circumstanced is free. Where is the freedom of trade? Where is the security of property? Where is the liberty of the people? I here, in this Declamatory Act, see my country proclaimed a slave! I see every man in this House enrolled a slave! I see the judges of the realm, the oracles of the law, borne down by an unauthorized foreign power, by the authority of the British Parliament against the law! I see the magistrates prostrate, and I see Parliament witness of these infringements, and silent—silent or employed to preach moderation to the people, whose liberties it will not restore! I therefore say, with the voice of three million people, that, notwithstanding the import of sugar, beetle-wood, and panellas, and the export of woollens and kerseys, nothing is safe, satisfactory, or honorable, nothing except a declaration of right. What! are you, with three million men at your back, with charters in one hand and arms in the other afraid to say you are a free people? Are you, the greatest House of Commons that ever sat in Ireland, that want but this one act to equal that English House of Commons that passed the Petition of Right, or that other that passed the Declaration of Right—are you afraid to tell that British Parliament you are a free people? Are the cities and the instructing counties, who have breathed a spirit that would have done honor to old Rome when Rome did honor to mankind—are they to be free by connivance? Are the military associations, those bodies whose origin, progress, and deportment have transcended, or equalled at least,

anything in modern or ancient story—is the vast line of the northern army—are they to be free by connivance? What man will settle among you? Where is the use of the Naturalization Bill? What man will settle among you? who will leave a land of liberty and a settled government for a kingdom controlled by the Parliament of another country, whose liberty is a thing by stealth, whose trade a thing by permission, whose judges deny her charters, whose Parliament leaves everything at random; where the chance of freedom depends upon the hope that the jury shall despise the judge stating a British act, or a rabble stop the magistrate executing it, rescue your abdicated privileges, and save the Constitution by trampling on the Government—by anarchy and confusion!

But I shall be told that these are groundless jealousies, and that the people of the principal cities, and more than one-half of the counties of the kingdom, are misguided men, raising those groundless jealousies. Sir, let me become, on this occasion, the people's advocate, and your historian; the people of this country were possessed of a code of liberty similar to that of Great Britain, but lost it through the weakness of the kingdom and the pusillanimity of its leaders. Having lost our liberty by the usurpation of the British Parliament, no wonder we became a prey to her ministers; and they did plunder us with all the hands of all the harpies, for a series of years, in every shape of power, terrifying our people with the thunder of Great Britain, and bribing our leaders with the rapine of Ireland. The kingdom became a plantation; her Parliament, deprived of its privileges, fell into contempt; and, with the legislature, the law, the spirit of liberty, with her forms vanished. If a war broke out, as

in 1778, and an occasion occurred to restore liberty and restrain rapine, Parliament declined the opportunity; but with an active servility and trembling loyalty, gave and granted, without regard to the treasure we had left, or the rights we had lost. If a partial reparation was made upon a principle of expediency, Parliament did not receive it with the tranquil dignity of an august assembly, but with the alacrity of slaves.

The principal individuals, possessed of great property but no independence, corrupted by their extravagance, or enslaved by their following a species of English factor against an Irish people, more afraid of the people of Ireland than the tyranny of England, proceeded to that excess that they opposed every proposition to lessen profusion, extend trade, or promote liberty; they did more, they supported a measure which, at one blow, put an end to all trade; they did more, they brought you to a condition which they themselves did unanimously acknowledge a state of impending ruin; they did this, talking as they are now talking, arguing against trade as they now argue against liberty, threatening the people of Ireland with the power of the British nation, and imploring them to rest satisfied with the ruins of their trade, as they now implore them to remain satisfied with the wreck of their Constitution.

The people thus admonished, starving in a land of plenty, the victim of two Parliaments, of one that stopped their trade, the other that fed on their Constitution, inhabiting a country where industry was forbidden, or towns swarming with begging manufacturers, and being obliged to take into their own hands that part of government which consists in protecting the subject, had recourse to two

measures, which, in their origin, progress, and consequence, are the most extraordinary to be found in any age or in any country, namely, a commercial and military association. The consequence of these measures was instant; the enemy that hung on your shores departed, the Parliament asked for a free trade, and the British nation granted the trade, but withheld the freedom. The people of Ireland are, therefore, not satisfied; they ask for a Constitution; they have the authority of the wisest men in this House for what they now demand. What have these walls for this last century resounded? The usurpation of the British Parliament, and the interference of the Privy Council. Have we taught the people to complain, and do we now condemn their insatiability, because they desire us to remove such grievances, at a time in which nothing can oppose them, except the very men by whom these grievances were acknowledged?

Sir, we may hope to dazzle with illumination, and we may sicken with addresses, but the public imagination will never rest, nor will her heart be well at ease—never! so long as the Parliament of England exercises or claims a legislation over this country: so long as this shall be the case, that very free trade, otherwise a perpetual attachment, will be the cause of new discontent; it will create a pride to feel the indignity of bondage; it will furnish a strength to bite your chain, and the liberty withheld will poison the good communicated.

The British Minister mistakes the Irish character: had he intended to make Ireland a slave, he should have kept her a beggar; there is no middle policy; win her heart by the restoration of her right, or cut off the nation's right hand; greatly emancipate, or fundamentally destroy.

We may talk plausibly to England, but so long as she exercises a power to bind this country, so long are the nations in a state of war; the claims of the one go against the liberty of the other, and the sentiments of the latter go to oppose these claims to the last drop of her blood. The English opposition, therefore, are right; mere trade will not satisfy Ireland—they judge of us by other great nations, by the nation whose political life has been a struggle for liberty; they judge of us with a true knowledge of, and just deference for, our character—that a country enlightened as Ireland, chartered as Ireland, armed as Ireland, and injured as Ireland, will be satisfied with nothing less than liberty.

I admire that public-spirited merchant [Alderman Horan] who spread consternation at the custom house, and, despising the example which great men afforded, determined to try the question, and tendered for entry what the British Parliament prohibits the subject to export, some articles of silk, and sought at his private risk the liberty of his country; with him I am convinced it is necessary to agitate the question of right. In vain will you endeavor to keep it back; the passion is too natural, the sentiment is too irresistible; the question comes on of its own vitality! You must reinstate the laws!

There is no objection to this resolution, except fears; I have examined your fears; I pronounce them to be frivolous. I might deny that the British nation was attached to the idea of binding Ireland; I might deny that England was a tyrant at heart; and I might call to witness the odium of North and the popularity of Chatham, her support of Holland, her contributions to Corsica, and the charters communicated to Ireland; but ministers have

traduced England to debase Ireland; and politicians, like priests, represent the power they serve as diabolical, to possess with superstitious fears the victim whom they design to plunder. If England is a tyrant, it is you who have made her so; it is the slave that makes the tyrant, and then murmurs at the master whom he himself has constituted. I do allow, on the subject of commerce, England was jealous in the extreme, and I do say it was commercial jealousy, it was the spirit of monopoly (the woollen trade and the act of navigation had made her tenacious of a comprehensive legislative authority), and having now ceded that monopoly, there is nothing in the way of your liberty except your own corruption and pusillanimity; and nothing can prevent your being free except yourselves. It is not in the disposition of England; it is not in the interest of England; it is not in her arms. What! can 8,000,000 of Englishmen opposed to 20,000,000 of French, to 7,000,000 of Spanish, to 3,000,000 of Americans, reject the alliance of 3,000,000 in Ireland? Can 8,000,000 of British men, thus outnumbered by foes, take upon their shoulders the expense of an expedition to enslave you? Will Great Britain, a wise and magnanimous country, thus tutored by experience and wasted by war, the French navy riding her Channel, send an army to Ireland, to levy no tax, to enforce no law, to answer no end whatsoever, except to spoliate the charters of Ireland and enforce a barren oppression? What! has England lost thirteen provinces? has she reconciled herself to this loss, and will she not be reconciled to the liberty of Ireland? Take notice that the very constitution which I move you to declare Great Britain herself offered to America; it is a very instructive proceeding in the

British history. In 1778 a commission went out, with powers to cede to the thirteen provinces of America, totally and radically, the legislative authority claimed over her by the British Parliament, and the commissioners, pursuant to their powers, did offer to all or any of the American States the total surrender of the legislative authority of the British Parliament. I will read you their letter to the Congress.

[*Here the letter was read*]

What! has England offered this to the resistance of America, and will she refuse it to the loyalty of Ireland? Your fears, then, are nothing but a habitual subjugation of mind; that subjugation of mind which made you, at first, tremble at every great measure of safety; which made the principal men among us conceive the commercial association would be a war; that fear, which made them imagine the military association had a tendency to treason; which made them think a short money bill would be a public convulsion; and yet these measures have not only proved to be useful, but are held to be moderate, and the Parliament that adopted them, is praised, not for its unanimity only, but for its temper also. You now wonder that you submitted for so many years to the loss of the woollen trade and the deprivation of the glass trade; raised above your former abject state in commerce, you are ashamed at your past pusillanimity; so when you have summoned a boldness which shall assert the liberties of your country—raised by the act, and reinvested, as you will be, in the glory of your ancient rights and privileges, you will be surprised at yourselves, who have so long submitted to their violation. Moderation is but a relative

term; for nations, like men, are only safe in proportion to the spirit they put forth, and the proud contemplation with which they survey themselves. Conceive yourselves a plantation, ridden by an oppressive government, and everything you have done is but a fortunate frenzy; conceive yourselves to be what you are, a great, a growing, and a proud nation, and a declaration of right is no more than the safe exercise of your indubitable authority.

But, though you do not hazard disturbance by agreeing to this resolution, you do most exceedingly hazard tranquillity by rejecting it. Do not imagine that the question will be over when this motion shall be negatived. No; it will recur in a vast variety of shapes and diversity of places. Your constituents have instructed you in great numbers, with a powerful uniformity of sentiment, and in a style not the less awful because full of respect. They will find resources in their own virtue if they have found none in yours. Public pride and conscious liberty, wounded by repulse, will find ways and means of vindication. You are in that situation in which every man, every hour of the day, may shake the pillars of the State; every court may swarm with the question of right; every quay and wharf with prohibited goods; what shall the judges, what the commissioners, do upon this occasion? Shall they comply with the laws of Ireland, and against the claims of England, and stand firm where you have capitulated? Shall they, on the other hand, not comply, and shall they persist to act against the law? Will you punish them if they do so? Will you proceed against them for not showing a spirit superior to your own? On the other hand, will you not punish them? Will you leave liberty to be trampled on by those men? Will you bring them and yourselves,

all constituted orders, executive power, judicial power, and parliamentary authority, into a state of odium, impotence, and contempt; transferring the task of defending public right into the hands of the populace, and leaving it to the judges to break the laws, and to the people to assert them? Such would be the consequence of false moderation, of irritating timidity, of inflammatory palliatives, of the weak and corrupt hope of compromising with the court before you have emancipated the country.

I have answered the only semblance of a solid reason against the motion; I will remove some of lesser pretences, some minor impediments: for instance, first, that we have a resolution of the same kind already on our journals, it will be said: But how often was the great charter confirmed? Not more frequently than your rights have been violated. Is one solitary resolution, declaratory of your right, sufficient for a country, whose history, from the beginning unto the end, has been a course of violation? The fact is, every new breach is a reason for a new repair; every new infringement should be a new declaration, lest charters should be overwhelmed with precedents to their prejudice, a nation's right obliterated, and the people themselves lose the memory of their own freedom.

I shall hear of ingratitude; I name the argument to despise it and the men who make use of it; I know the men who use it are not grateful, they are insatiate; they are public extortioners, who would stop the tide of public prosperity and turn it to the channel of their own emolument; I know of no species of gratitude which should prevent my country from being free, no gratitude which should oblige Ireland to be the slave of England. In cases of robbery and usurpation, nothing is an object of

gratitude except the thing stolen, the charter spoliated. A nation's liberty cannot, like her treasures, be meted and parcelled out in gratitude; no man can be grateful or liberal of his conscience, nor woman of her honor, nor nation of her liberty; there are certain unimpartable, inherent, invaluable properties, not to be alienated from the person, whether body politic or body natural. With the same contempt do I treat that charge which says that Ireland is insatiable; saying that Ireland asks nothing but that which Great Britain has robbed her of, her rights and privileges; to say that Ireland will not be satisfied with liberty, because she is not satisfied with slavery, is folly. I laugh at that man who supposes that Ireland will not be content with a free trade and a free constitution; and would any man advise her to be content with less?

I shall be told that we hazard the modification of the Law of Poynings and the Judges' Bill, and the Habeas Corpus Bill, and the Nullum Tempus Bill; but I ask you, have you been for years begging for these little things, and have not you yet been able to obtain them? And have you been contending against a little body of eighty men in Privy Council assembled, convocating themselves into the image of a parliament, and ministering your high office? And have you been contending against one man, a humble individual, to you a Leviathan—the English Attorney-General—who advises in the case of Irish bills, and exercises legislation in his own person, and makes your parliamentary deliberations a blank by altering your bills or suppressing them? And have you not yet been able to conquer this little monster? Do you wish to know the reason? I will tell you: because you have not been a parliament, nor your country a people! Do you wish to know

the remedy?—be a parliament, become a nation, and these things will follow in the train of your consequence! I shall be told that titles are shaken, being vested by force of English acts; but in answer to that, I observe, time may be a title, acquiescence a title, forfeiture a title, but an English act of Parliament certainly cannot; it is an authority, which, if a judge would charge, no jury would find, and which all the electors in Ireland have already disclaimed unequivocally, cordially, and universally. Sir, this is a good argument for an act of title, but no argument against a declaration of right. My friend who sits above me [Mr. Yelverton] has a Bill of Confirmation; we do not come unprepared to Parliament. I am not come to shake property, but to confirm property and restore freedom. The nation begins to form: we are molding into a people; freedom asserted, property secured, and the army (a mercenary band) likely to be restrained by law. Never was such a revolution accomplished in so short a time, and with such public tranquillity. In what situation would those men who call themselves friends of constitution and of government have left you? They would have left you without a title, as they state it, to your estates—without an assertion of your Constitution, or a law for your army; and this state of unexampled private and public insecurity, this anarchy raging in the kingdom for eighteen months, these mock moderators would have had the presumption to call "peace."

I shall be told that the judges will not be swayed by the resolution of this House. Sir, that the judges will not be borne down by the resolutions of Parliament, not founded in law, I am willing to believe; but the resolutions of this House, founded in law, they will respect most

exceedingly. I shall always rejoice at the independent spirit of the distributers of the law, but must lament that hitherto they have given no such symptom. The judges of the British nation, when they adjudicated against the laws of that country, pleaded precedent and the prostration and profligacy of a long tribe of subservient predecessors, and were punished. The judges of Ireland if they should be called upon, and should plead sad necessity, the thraldom of the times, and, above all, the silent fears of Parliament, they, no doubt, will be excused: but when your declarations shall have protected them from their fears; when you shall have emboldened the judges to declare the law according to the charter, I make no doubt they will do their duty; and your resolution, not making a new law, but giving new life to the old ones, will be secretly felt and inwardly acknowledged, and there will not be a judge who will not perceive, to the innermost recess of his tribunal, the truth of your charters and the vigor of your justice.

The same laws, the same charters, communicate to both kingdoms, Great Britain and Ireland, the same rights and privileges; and one privilege above them all is that communicated by Magna Charta, by the 25th of Edward III., and by a multitude of other statutes, "not to be bound by any act except made with the archbishops, bishops, earls, barons, and freemen of the commonalty," namely, of the Parliament of the realm. On this right of exclusive legislation are founded the Petition of Right, Bill of Rights, Revolution, and Act of Settlement. The king has no other title to his crown than that which you have to your liberty; both are founded, the throne and your freedom, upon the right vested in the subject to resist

by arms, notwithstanding the oaths of allegiance, any authority attempting to impose acts of power as laws, whether that authority be one man or a host, the second James, or the British Parliament!

Every argument for the house of Hanover is equally an argument for the liberties of Ireland; the Act of Settlement is an act of rebellion, or the declaratory statute of the 6th of George I. an act of usurpation; for both cannot be law.

I do not refer to doubtful history, but to living record; to common charters; to the interpretation England has put upon these charters—an interpretation not made by words only, but crowned by arms; to the revolution she had formed upon them, to the king she has deposed, and to the king she has established; and, above all, to the oath of allegiance solemnly plighted to the house of Stuart, and afterward set aside, in the instance of a grave and moral people absolved by virtue of these very charters.

And as anything less than liberty is inadequate to Ireland, so is it dangerous to Great Britain. We are too near the British nation, we are too conversant with her history, we are too much fired by her example, to be anything less than her equal; anything less, we should be her bitterest enemies—an enemy to that power which smote us with her mace, and to that Constitution from whose blessings we were excluded: to be ground as we have been by the British nation, bound by her Parliament, plundered by her crown, threatened by her enemies, insulted with her protection, while we return thanks for her condescension, is a system of meanness and misery which has expired in our determination, as I hope it has in her magnanimity.

There is no policy left for Great Britain but to cherish the remains of her empire, and do justice to a country who

is determined to do justice to herself, certain that she gives nothing equal to what she received from us when we gave her Ireland.

With regard to this country, England must resort to the free principles of government, and must forego that legislative power which she has exercised to do mischief to herself; she must go back to freedom, which, as it is the foundation of her Constitution, so it is the main pillar of her empire; it is not merely the connection of the crown, it is a constitutional annexation, an alliance of liberty, which is the true meaning and mystery of the sisterhood, and will make both countries one arm and one soul, replenishing from time to time, in their immortal connection, the vital spirit of law and liberty from the lamp of each other's light. Thus combined by the ties of common interest, equal trade, and equal liberty, the constitution of both countries may become immortal, a new and milder empire may arise from the errors of the old, and the British nation assume once more her natural station—the head of mankind.

That there are precedents against us I allow—acts of power I would call them, not precedents; and I answer the English pleading such precedents, as they answered their kings when they urged precedents against the liberty of England: Such things are the weakness of the times; the tyranny of one side, the feebleness of the other, the law of neither; we will not be bound by them; or, rather, in the words of the Declaration of Right: "No doing judgment, proceeding, or anywise to the contrary, shall be brought into precedent or example." Do not, then, tolerate a power—the power of the British Parliament over this land, which has no foundation in utility

or necessity, or empire, or the laws of England, or the laws of Ireland, or the laws of nature, or the laws of God—do not suffer it to have a duration in your mind.

Do not tolerate that power which blasted you for a century, that power which shattered your loom, banished your manufacturers, dishonored your peerage, and stopped the growth of your people; do not, I say, be bribed by an export of woollen, or an import of sugar, and permit that power which has thus withered the land to remain in your country and have existence in your pusillanimity.

Do not suffer the arrogance of England to imagine a surviving hope in the fears of Ireland; do not send the people to their own resolves for liberty, passing by the tribunals of justice and the high court of Parliament; neither imagine that, by any formation of apology, you can palliate such a commission to your hearts, still less to your children, who will sting you with their curses in your grave for having interposed between them and their Maker, robbing them of an immense occasion, and losing an opportunity which you did not create, and can never restore.

Hereafter, when these things shall be history, your age of thraldom and poverty, your sudden resurrection, commercial redress, and miraculous armament, shall the historian stop at liberty, and observe—that here the principal men among us fell into mimic trances of gratitude—they were awed by a weak ministry, and bribed by an empty treasury—and when liberty was within their grasp, and the temple opened her folding doors, and the arms of the people clanged, and the zeal of the nation urged and encouraged them on, that they fell down, and were prostituted at the threshold?

I might, as a constituent, come to your bar, and de-

mand my liberty. I do call upon you, by the laws of the land and their violation, by the instruction of eighteen counties, by the arms, inspiration, and providence of the present moment, tell us the rule by which we shall go—assert the law of Ireland—declare the liberty of the land.

I will not be answered by a public lie, in the shape of an amendment; neither, speaking for the subject's freedom, am I to hear of faction. I wish for nothing but to breathe, in this our island, in common with my fellow-subjects, the air of liberty. I have no ambition, unless it be the ambition to break your chain and contemplate your glory. I never will be satisfied so long as the meanest cottager in Ireland has a link of the British chain clanking to his rags; he may be naked, he shall not be in iron; and I do see the time is at hand, the spirit is gone forth, the declaration is planted; and though great men shall apostatize, yet the cause will live; and though the public speaker should die, yet the immortal fire shall outlast the organ which conveyed it, and the breath of liberty, like the word of the holy man, will not die with the prophet, but survive him.

SPEECH AGAINST CORRY

DELIVERED IN THE IRISH PARLIAMENT, FEBRUARY 14, 1800

HAS the gentleman done? Has he completely done? He was unparliamentary from the beginning to the end of his speech. There was scarce a word he uttered that was not a violation of the privileges of the House; but I did not call him to order—why? because the limited talents of some men render it impossible for them to be severe without being unparliamentary. But before I sit down, I shall show him how to be severe and parliamentary at the same time. On any other occasion I should think myself justifiable in treating with silent contempt anything which might fall from that honorable member; but there are times when the insignificance of the accuser is lost in the magnitude of the accusation. I know the difficulty the honorable gentleman labored under when he attacked me, conscious that, on a comparative view of our characters, public and private, there is nothing he could say which would injure me. The public would not believe the charge. I despise the falsehood. If such a charge were made by an honest man, I would answer it in the manner I shall do before I sit down. But I shall first reply to it when not made by an honest man.

The right honorable gentleman has called me "an unimpeached traitor." I ask, why not "traitor," unqualified by any epithet? I will tell him; it was because he dare not. It was the act of a coward, who raises his arm to strike, but has not courage to give the blow. I will not

call him villain, because it would be unparliamentary, and he is a privy counsellor. I will not call him fool, because he happens to be Chancellor of the Exchequer. But I say he is one who has abused the privilege of Parliament and freedom of debate to the uttering language, which, if spoken out of the House, I should answer only with a blow. I care not how high his situation, how low his character, how contemptible his speech; whether a privy counsellor or a parasite, my answer would be a blow. He has charged me with being connected with the rebels: the charge is utterly, totally, and meanly false. Does the honorable gentleman rely on the report of the House of Lords for the foundation of his assertion? If he does, I can prove to the committee there was a physical impossibility of that report being true. But I scorn to answer any man for my conduct, whether he be a political coxcomb, or whether he brought himself into power by a false glare of courage or not. I scorn to answer any wizard of the Castle throwing himself into fantastical airs. But if an honorable and independent man were to make a charge against me, I would say: "You charge me with having an intercourse with the rebels, and you found your charge upon what is said to have appeared before a committee of the Lords. Sir, the report of that committee is totally and egregiously irregular." I will read a letter from Mr. Nelson, who had been examined before that committee; it states that what the report represents him as having spoken, is not what he said.

From the situation that I held, and from the connections I had in the city of Dublin, it was necessary for me to hold intercourse with various descriptions of persons. The right honorable member might as well have been

charged with a participation in the guilt of those traitors; for he had communicated with some of those very persons on the subject of parliamentary reform. The Irish government, too, were in communication with some of them.

The right honorable member has told me I deserted a profession where wealth and station were the reward of industry and talent. If I mistake not, that gentleman endeavored to obtain those rewards by the same means; but he soon deserted the occupation of a barrister for those of a parasite and pander. He fled from the labor of study to flatter at the table of the great. He found the lord's parlor a better sphere for his exertions than the hall of the Four Courts; the house of a great man a more convenient way to power and place; and that it was easier for a statesman of middling talents to sell his friends than for a lawyer of no talents to sell his clients.

For myself, whatever corporate or other bodies have said or done to me, I from the bottom of my heart forgive them. I feel I have done too much for my country to be vexed at them. I would rather that they should not feel or acknowledge what I have done for them, and call me traitor, than have reason to say I sold them. I will always defend myself against the assassin; but with large bodies it is different. To the people I will bow: they may be my enemy—I never shall be theirs.

At the emancipation of Ireland, in 1782, I took a leading part in the foundation of that Constitution which is now endeavored to be destroyed. Of that Constitution I was the author; in that Constitution I glory; and for it the honorable gentleman should bestow praise, not invent calumny. Notwithstanding my weak state of body, I come to give my last testimony against this Union, so

fatal to the liberties and interests of my country. I come to make common cause with these honorable and virtuous gentlemen around me; to try and save the Constitution; or if not to save the Constitution, at least to save our characters, and remove from our graves the foul disgrace of standing apart while a deadly blow is aimed at the independence of our country.

The right honorable gentleman says I fled from the country after exciting rebellion, and that I have returned to raise another. No such thing. The charge is false. The civil war had not commenced when I left the kingdom; and I could not have returned without taking a part. On the one side there was the camp of the rebel; on the other, the camp of the minister, a greater traitor than that rebel. The stronghold of the Constitution was nowhere to be found. I agree that the rebel who rose against the government should have suffered; but I missed on the scaffold the right honorable gentleman. Two desperate parties were in arms against the Constitution. The right honorable gentleman belonged to one of those parties, and deserved death. I could not join the rebel—I could not join the government—I could not join torture—I could not join half-hanging—I could not join free quarter—I could take part with neither. I was therefore absent from a scene where I could not be active without self-reproach, nor indifferent with safety.

Many honorable gentlemen thought differently from me; I respect their opinions, but I keep my own; and I think now, as I thought then, that the treason of the minister against the liberties of the people was infinitely worse than the rebellion of the people against the minister.

I have returned, not as the right honorable member has said, to raise another storm; I have returned to discharge an honorable debt of gratitude to my country, that conferred a great reward for past services, which, I am proud to say, was not greater than my desert. I have returned to protect that Constitution, of which I was the parent and the founder, from the assassination of such men as the honorable gentleman and his unworthy associates. They are corrupt; they are seditious; and they, at this very moment, are in a conspiracy against their country. I have returned to refute a libel as false as it is malicious, given to the public under the appellation of a report of a committee of the Lords. Here I stand ready for impeachment or trial; I dare accusation. I defy the honorable gentleman; I defy the government; I defy their whole phalanx; let them come forth. I tell the ministers I will neither give them quarter nor take it. I am here to lay the shattered remains of my constitution on the floor of this House in defence of the liberties of my country.

UNSURRENDERING FIDELITY TO COUNTRY

SPEECH AGAINST UNION WITH ENGLAND, MAY 26, 1800

WHEN the liberty and security of one country depend on the honor of another, the latter may have much honor, but the former can have no liberty. To depend on the honor of another country is to depend on the will; and to depend on the will of another country is the definition of slavery. "Depend on my honor," said Charles I., when he trifled about the Petition of Right. I will trust the people with the custody of their own liberty, but I will trust no people with the custody of any liberty other than their own, whether that people be Rome, Athens, or Britain.

Observe how the Minister speaks of that country which is to depend hereafter on British honor, which, in his present power, is, in fact, his honor. "We had to contend with the leaders of the Protestants, 'enemies to government'; the violent and inflamed spirit of the Catholics; the disappointed ambition of those who would ruin the country because they could not be the rulers of it." Behold the character he gives of the enemies of the Union, namely, of twenty-one counties convened at public meetings by due notice; of several other counties that have petitioned; of most of the great cities and towns, or, indeed, of almost all the Irish, save a very few mistaken men, and that body whom government could influence. Thus the Minister utters a national proscription at the moment of his projected Union; he excludes by personal

abuse from the possibility of identification, all the enemies of the Union, all the friends of the parliamentary Constitution of 1782, that great body of the Irish; he abuses them with a petulance more befitting one of his Irish ministers than an exalted character, and infinitely more disgraceful to himself than to them; one would think one of his Irish railers had lent him his vulgar clarion to bray at the people.

This union of parliaments, this proscription of people, he follows by a declaration wherein he misrepresents their sentiments as he had before traduced their reputation. After a calm and mature consideration, the people have pronounced their judgment in favor of a Union; of which assertion not one single syllable has any existence in fact, or in the appearance of fact, and I appeal to the petitions of twenty-one counties publicly convened, and to the other petitions of other counties numerously signed, and to those of the great towns and cities. To affirm that the judgment of a nation is erroneous may mortify, but to affirm that her judgment against is for; to assert that she has said aye when she has pronounced no; to affect to refer a great question to the people; finding the sense of the people, like that of the Parliament, against the question, to force the question; to affirm the sense of the people to be for the question; to affirm that the question is persisted in because the sense of the people is for it; to make the falsification of her sentiments the foundation of her ruin and the ground of the Union; to affirm that her Parliament, Constitution, liberty, honor, property, are taken away by her own authority; there is, in such artifice, an effrontery, a hardihood, an insensibility, that can best be answered by sensations of astonishment and disgust, excited

on this occasion by the British Minister, whether he speaks in gross and total ignorance of the truth, or in shameless and supreme contempt for it.

The Constitution may be for a time so lost; the character of the country cannot be lost. The ministers of the Crown will, or may, perhaps at length, find that it is not so easy to put down forever an ancient and respectable nation, by abilities, however great, and by power and by corruption, however irresistible; liberty may repair her golden beams, and with redoubled heat animate the country; the cry of loyalty will not long continue against the principles of liberty; loyalty is a noble, a judicious, and a capacious principle; but in these countries loyalty, distinct from liberty, is corruption, not loyalty.

The cry of the connection will not, in the end, avail against the principles of liberty. Connection is a wise and a profound policy; but connection without an Irish Parliament is connection without its own principle, without analogy of condition, without the pride of honor that should attend it; is innovation, is peril, is subjugation—not connection.

The cry of disaffection will not, in the end, avail against the principles of liberty.

Identification is a solid and imperial maxim, necessary for the preservation of freedom, necessary for that of empire; but without union of hearts, with a separate government and without a separate parliament, identification is extinction, is dishonor, is conquest—not identification.

Yet I do not give up the country: I see her in a swoon, but she is not dead; though in her tomb she lies helpless and motionless, still there is on her lips a spirit of life, and on her cheek a glow of beauty—

"Thou art not conquered; beauty's ensign yet
Is crimson in thy lips and in thy cheeks,
And death's pale flag is not advanced there."

While a plank of the vessel sticks together, I will not leave her. Let the courtier present his flimsy sail, and carry the light bark of his faith with every new breath of wind: I will remain anchored here with fidelity to the fortunes of my country, faithful to her freedom, faithful to her fall.

LIVINGSTON

ROBERT R. LIVINGSTON, a noted American jurist, the son of a New York judge of the supreme court, was born at New York city, November 27, 1746. His education was obtained at King's College, now Columbia University, and he was admitted to the bar in 1773. He met with success in the practice of his profession and was appointed recorder of his native city by the royal governor, but was removed from office in 1775 on account of his affiliations with the patriotic party. Livingston was a member of the Continental Congress and was one of the committee appointed to draw up a constitution for the State of New York, becoming under its provisions the first chancellor of the State and holding office until 1801. Throughout the Revolutionary epoch he was constantly active in the patriotic cause and as chancellor administered the oath of office to Washington at his inauguration in 1789. He filled the post of minister to France, 1801-04, and was instrumental during that period in securing Louisiana to the Union. Bonaparte was on the most friendly terms with him, and on Livingston's return to America the Consul presented him with a gorgeous snuff-box on which was a miniature portrait of the great Corsican painted by Isabey. While in Paris Livingston met Fulton, the inventor, and was his assistant in several experiments for the promotion of steam navigation. The chancellor, upon his return home, did much to further agricultural interests, and was one of the first to introduce merino sheep into the United States. In 1809 he published "Essays on Agriculture" and a valuable "Essay on Sheep." His death occurred at Chantilly, New York, February 26, 1813.

ORATION BEFORE THE CINCINNATI

DELIVERED AT THE CITY HALL, NEW YORK, JULY 4, 1787

I COULD have wished, gentlemen, that the task I am now about to perform had been assigned to some abler speaker; and in that view I long since tendered my apology for declining it and hoped till lately that it had been accepted. Disappointed in this hope, and unwilling to treat any mark of your favor with neglect, I determined to obey your commands, although I was satisfied that in the execution of them I should not answer your expectations. There is a style of eloquence adapted to occasions of this kind, to

which I feel myself unequal; a style which requires the glowing imagination of younger speakers, who, coming recently from the schools of rhetoric, know how to dress their sentiments in all its flowery ornaments. The turbulence of the times since I first entered upon public life, and the necessity they imposed upon those who engaged in them of attending rather to things than words, will, I fear, render me, if not a useless, at least an unpolished speaker.

If the mind dwells with pleasure on interesting events; if the soul pants to emulate the noble deeds it contemplates; if virtue derives new force from the successful struggles of the virtuous, it is wise to set apart certain seasons when, freed from meaner cares, we commemorate events which have contributed to the happiness of mankind or afford examples worthy their imitation. What are we this day called upon to commemorate? Some signal victory in which the victor weeps the loss of friends and humanity mourns over the graves of the vanquished? The birth of some prince whom force, fraud, or accident has entitled to a throne? Or even that of some patriot who has raised the reputation and defended the rights of his country? No, gentlemen, a nobler subject than the splendor of victories or the birth of princes demands our attention. We are called upon to commemorate the successful battles of freedom and the birth of nations.

It may be expected, and indeed I believe it is usual on such occasions, that I should tread the steps we have taken from the dawn of oppression to the bright sunshine of independence; that I should celebrate the praise of patriots who have been actors in the glorious scene; and more particularly that I should lead you to the shrines of those that have offered up their lives in support of their principles and sealed with their blood your charters of freedom.

Had I no other object in view than to amuse you and indulge my own feelings I should take this path. For what task more delightful than to contemplate the successful struggles of virtue; to see it at one moment panting under the grasp of oppression and rising in the next with renewed strength; as if, like the giant son of earth, she had acquired vigor from the fall; to see hope and disappointment, plenty and want, defeats and victories, following each other in rapid succession, and contributing, like light and shade, to the embellishment of the piece!

What more soothing to the soft and delicate emotions of humanity than to wander with folded arms and slow and pensive step amidst the graves of departed heroes, to indulge the mingled emotions of grief and admiration; at one moment giving way to private sorrow and lamenting the loss of a friend, a relation, a brother; in the next glowing with patriot warmth, gazing with ardor on their wounds and invoking their spirits while we ask of heaven to inspire us with equal fortitude! But, however pleasing this task, the desire of being useful impels me, at this interesting moment, to forego this pleasure; to call you from this tender scene; to remind you that you are the citizens of a free state; to bid you rejoice with Roman pride that those you love have done their duty; to exhort you to crown the glorious work they have begun; for, alas! my friends, though they have nobly performed the part assigned them, the work is still unfinished and much remains for us to do. It may not, therefore, be improper, amidst the congratulations I make you on this day — this day, distinguished in the annals of fame for the triumph of freedom and the birth of nations—to inquire how far it has been productive of the advantages we might reasonably have expected, and where they have fallen short of our expectations.

To investigate the causes that have conduced to our disappointment; two objects demand our attention,—our internal and federal governments: either, to those who are disposed to view only the gloomy side of the picture, will afford sufficient matter for censure and too much cause of uneasiness. Many desponding spirits, misled by their reflections, have ceased to rejoice in independence and to doubt whether it is to be considered as a blessing. God forbid that there should be any such among us. For whatever may be the pressure of our present evils, they will cease to operate when we resolve to remove them; the remedy is within our reach, and I have sufficient confidence in our fortitude to hope that it will be applied.

Let those, however, who know not the value of our present situation contrast it with the state of servitude to which we should have been reduced had we patiently submitted to the yoke of Britain. She had long since seen our case with envy and our strength with jealousy. Loaded with debt, she wished to share that affluence which she attributed to her protection rather than to our industry. Tenacious of her supposed supremacy, she could not be indifferent to those increasing numbers which threatened its subversion. Avarice and timidity concurred in framing a system of despotism which, but for our resistance, would have reduced us to the vilest subjection. Having resisted, accommodation was vain; pretences would not have been wanting to ruin those that had been active in opposition. Disputes among ourselves would have been encouraged, and advantages derived from our disunion would have enabled her ultimately to attain her object. No alternative was left but independence or abject submission. We have chosen as became a wise and generous people. Let slaves or cowards disapprove the choice.

Our constitutions are formed to insure the happiness of a virtuous nation. They guard against the tumult and confusion of unwieldy popular assemblies, while they yield to every citizen his due share of power. They preserve the administration of justice pure and unbiassed, by the independence of the judges. They prevent abuses in the execution of the laws by committing the care of enforcing them to magistrates who have no share in making nor voice in expounding them.

In these circumstances they excel the boasted models of Greece or Rome, and those of all other nations, in having precisely marked out the power of the government and the rights of the people. With us the law is written: no party can justify their errors under former abuses or doubtful precedents. With these constitutions, I shall be asked how it has happened that the evils hinted at continue to exist. I shall endeavor to answer this inquiry, since my object in treating of this subject is to impress upon you the obligations we are under as citizens, as men whose past services entitle us to some weight in the community, zealously to unite in promoting a constitutional reform of every abuse that affects the government.

Our constitutions being purely democratic, the people are sovereign and absolute. The faults of absolute governments are to be charged to the sovereign: in ours they must be traced back to the people.

If our executive has sufficient energy, if the judicial is competent to the administration of justice, if our legislative is so formed as that no law can pass without due deliberation, all the ends of government are answered so far as they depend upon the constitution. If still it falls short of expectation, the evils must be sought in the administration: and since every

person concerned in that is either mediately or immediately chosen by the people they may change it at pleasure.

What can be devised more perfect than that constitution which puts in the power of those who experience the effects of a maladministration to prevent their continuance; not by mad, tumultuous, and irregular acts, as in the ancient republics, but by such as are cool, deliberate, and constitutional? If they still exist, they must be charged to the negligence of the people, who, after violent agitation, have sunk into such a state of torpor and indifference with respect to government as to be careless into what hands they trust their dearest rights.

When we choose an agent to manage our private affairs, an executor to distribute our estate, we are solicitous about the integrity and abilities of those we entrust: we consult our friends: we make the choice after due deliberation. Is it not astonishing that when we are to elect men whose power extends to our liberty, our property, and our lives we should be so totally indifferent that not one in ten of us tenders his vote?

Can it be thought that an enlightened people believe the science of government level to the meanest capacity—that experience, application, and education are unnecessary to those who are to frame laws for the government of the state? And yet, are instances wanting in which these have been proscribed and their place supplied by those insidious arts which have rendered them suspected? Are past services the passport to future honors? Or have you yourselves, gentlemen, escaped the general obloquy? Are you not calumniated by those you deem unworthy of your society? Are you not even shunned by some who should wear with pride and pleasure this badge of former services?

You have learned in the school of adversity to appreciate characters. You are not formed, whoever may direct, to promote measures you disapprove. Men used to command and to obey are sensible of the value of government and will not consent to its debasement. Your services entitle you to the respect and favor of a grateful people. Envy and the ambition of the unworthy concur to rob you of the rank you merit.

To these causes we owe the cloud that obscures our internal governments. But let us not despair: the sun of science is beginning to rise; and, as new light breaks in upon the minds of our fellow citizens, that cloud will be dispelled.

Having observed that our internal constitutions are adequate to the purposes for which they were formed, and that the inconveniences we have some time felt under them were imputable to causes which it was in our power to remove, I might perhaps add that the continuance of those evils is a proof of the happiness these governments impart; since, had they not been more than balanced by advantages, they would have pressed with such weight as to have compelled the people to apply the remedy the constitution affords.

But when I turn my eyes to the other great object of a patriot's attention, our federal government, I confess to you, my friends, I sicken at the sight. Nothing presents itself to my view but a nerveless council, united by imaginary ties, brooding over ideal decrees which caprice or fancy is at pleasure to annul or execute! I see trade languish; public credit expire; and that glory which is not less necessary to the prosperity of a nation than reputation to individuals a victim to opprobrium and disgrace.

Here, my friends, you are particularly interested; for I believe I should do little justice to the motives that induced

you to brave the dangers and hardships of a ten years' war if I supposed you had nothing more in view than humble peace and ignominious obscurity. Brave souls are influenced by nobler motives; and I persuade myself that the rank and glory of the nation you have established were among the strongest that nerved your arms and invigorated your hearts. Let us not, then, my friends, lose sight of this splendid object; having pursued it through fields of blood let us not relinquish the chase when nothing is necessary to its attainment but union, firmness, and temperate deliberation.

In times of extreme danger, whoever has the courage to seize the helm may command the ship: each mariner, distrusting his own skill, is ready to repose upon that of others. Congress, not attending to this reflection, were misled by the implicit respect that, during the war, was paid to their recommendations; and, without looking forward to times when the circumstances which made the basis of their authority should no longer exist, they formed a constitution only adapted to such circumstances. Weak in itself, a variety of causes have conspired to render it weaker.

Some States have totally neglected their representation in Congress; while some others have been inattentive, in their choice of delegates, to those qualities which are essential to the support of its reputation: objects of some moment where authority is founded on opinion only. To these I am sorry, gentlemen, to add a third, which operates with peculiar force in some States: the love of power, of which the least worthy are always the most tenacious. To deal out a portion of it to Congress would be to share that which some among those who are elected by popular favor already find too little for their own ambition. To preserve it, rulers of free States practise a lesson they have received from eastern tyrants; and

as these, to preserve the succession, put out the eyes of all that may approach the seat of power, so those strive to blind the people, whose discernment, they fear, may expel them from it.

I will not wear your patience and my own by contending with those chimeras they have raised to fright the people from remedying the only real defect of this government. Nor will I dwell upon that wretched system of policy which has sunk the interest and reputation of such States in the great council of America, and drawn upon them the hatred and contempt of their neighbors. Who will deny that the most serious evils daily flow from the debility of our federal constitution? Who but owns that we are at this moment colonies, for every purpose but that of internal taxation, to the nation from which we vainly hoped our sword had freed us?

Who but sees with indignation British ministers daily dictating laws for the destruction of our commerce? Who but laments the ruin of that brave, hardy, and generous race of men who are necessary for its support? Who but feels that we are degraded from the rank we ought to hold among the nations of the earth,—despised by some, maltreated by others, and unable to defend ourselves against the cruel depredations of the most contemptible pirates? At this moment—yes, great God! at this moment—some among those, perhaps, who have labored for the establishment of our freedom, are groaning in barbarian bondage. Hands that may have wielded the sword in our defence are loaded with chains. Toilsome tasks, gloomy prisons, whips and tortures, are the portion of men who have triumphed with us and exulted in the idea of giving being to nations and freedom to unnumbered generations!

These, sirs, these are a few of the many evils that result

from the want of a federal government. Our internal constitutions may make us happy at home, but nothing short of a federal one can render us safe or respectable abroad. Let us not, however, in our eagerness to attain one, forget to preserve the other inviolate; for better is distress abroad than tyranny and anarchy at home. A precious deposit is given into our keeping: we hold in our hands the fate of future generations. While we acknowledge that no government can exist without confidence in the governing power, let us also remember that none can remain free where that confidence is incautiously bestowed.

How, gentlemen, shall I apologize for having obtruded this serious address upon the gayeties of this happy day? I told you, and told you truly, that I was ill qualified to play the holiday orator; and I might have added that the joy of this day is ever attended, in my mind, with a thousand mingled emotions. Reflection on the past brings to memory a variety of tender and interesting events; while hope and fear, anxiety and pleasure, alternately possess me when I endeavor to pierce the veil of futurity. But never, never before have they pressed upon me with the weight they do at present.

I feel that some change is necessary; and yet I dread lest the demon of jealousy should prevent such change; or the restless spirit of innovation should carry us beyond what is necessary. I look round for aid; I see in you a band of patriots — the supporters of your country's rights: I feel myself indebted to you for the freedom we enjoy: I know that your emotions cannot be different from my own; and I strive, by giving you the same views on these important subjects, to unite your efforts in the common cause. Let us, then, preserve pure and perfect those principles of friendship for each other, of love for our country, of respect for the Union,

which supported us in our past difficulties. Let us reject the trammels of party, and, as far as our efforts will go, call every man to the post his virtues and abilities entitle him to occupy.

Let us watch with vigilant attention over the conduct of those in power; but let us not with coward caution restrain their efforts to be useful; and let us implore that omnipotent Being who gave us strength and wisdom in the hour of danger to direct our great council to that happy mean which may afford us respect and security abroad and peace, liberty, and prosperity at home.

FOX

CHARLES JAMES FOX, one of England's most brilliant orators and statesmen, was the second son of the first Lord Holland, and was born in London, January 24, 1749. He was most indulgently brought up and after studying at Eton, and Hertford College, Oxford University, spent some time in travel on the Continent. Before his twentieth year he entered Parliament as member for Midhurst and early won notice by his speeches there. In 1770 he was made junior lord of the admiralty and three years later lord of the treasury. He was far too independent in spirit to suit the king and Lord North, and was accordingly dismissed from office in 1776. Thenceforward he was a leader among the Liberals, actively opposing the administration of Lord North and prophesying the ultimate defeat of English arms in America. He was for a short time secretary of state in the successive ministries of Rockingham and Portland, but soon resigned, and, re-entering Parliament as a member for a Scottish borough, was again a popular Liberal leader in the House. He strongly opposed Pitt's foreign policy, supported Wilberforce in his efforts for the abolition of the slave trade, and was an advocate of the French Revolution. Between 1797 and 1800 he seldom appeared in Parliament, but subsequently made several speeches there, and in 1800 became foreign secretary in the Grenville ministry. He had begun negotiations for peace with Napoleon just prior to his own death, which took place at Chiswick, September 13, 1806. Fox was a man of loose morals but of very generous nature and greatly beloved, in both which matters he offered a strong contrast to his rival, Pitt. He was a progressive, broad-minded statesman, and his oratory won the admiration of the ablest critics of his day. His incomplete "History of the Reign of James II" was issued in 1808, and six volumes of his speeches in 1815.

ON THE REJECTION OF BONAPARTE'S OVERTURES

[Napoleon Bonaparte, having usurped the government of France, became First Consul in December, 1799; and, as an air of moderation seemed appropriate under these circumstances, he made overtures of peace to the king of England in a letter written with his own hand. Mr. Pitt, who had no belief in the permanence of his power, rejected his offers in terms which were certainly rude if not insulting.

The correspondence in question was laid before Parliament, and, on the 3d of February, 1800, a motion was made by Mr. Dundas approving of the course taken and pledging the country for a vigorous prosecution of the war. After Mr. Whitbread, Mr. Canning, and Mr. Erskine had spoken, Mr. Pitt rose and held the House in fixed attention for nearly five hours by one of the most masterly orations he ever pronounced in Parliament.

Mr. Fox then delivered the following speech in reply; and never were these two great orators brought into more direct competition, or the distinctive features of their eloquence exhibited in finer contrast.

The speech is admirably reported, and was considered by most who heard it as the ablest Mr. Fox ever made.]

MR. SPEAKER,—At so late an hour of the night I am sure you will do me the justice to believe that I do not mean to go at length into the discussion of this great question. Exhausted as the attention of the House must be, and unaccustomed as I have been of late to attend in my place, nothing but a deep sense of my duty could have induced me to trouble you at all, and particularly to request your indulgence at such an hour.

Sir, my honorable and learned friend [Mr. Erskine] has truly said that the present is a new era in the war, and the right honorable gentleman opposite to me [Mr. Pitt] feels the justice of the remark; for, by travelling back to the commencement of the war and referring again to all the topics and arguments which he has so often and so successfully urged upon the House, and by which he has drawn them on to the support of his measures, he is forced to acknowledge that at the end of a seven years' conflict we are come but to a new era in the war, at which he thinks it necessary only to press all his former arguments to induce us to persevere.

All the topics which have so often misled us—all the reasoning which has so invariably failed—all the lofty predictions which have so constantly been falsified by events—all the hopes which have amused the sanguine, and all the assurances of the distress and weakness of the enemy which have satisfied the unthinking, are again enumerated and advanced as arguments for our continuing the war. What! at the end of seven years of the most burdensome and the most calamitous struggle in which this country ever was

engaged, are we again to be amused with notions of finance and calculations of the exhausted resources of the enemy as a ground of confidence and of hope?

Gracious God! were we not told five years ago that France was not only on the brink and in the jaws of ruin, but that she was actually sunk into the gulf of bankruptcy? Were we not told, as an unanswerable argument against treating, "that she could not hold out another campaign — that nothing but peace could save her — that she wanted only time to recruit her exhausted finances — that to grant her repose was to grant her the means of again molesting this country, and that we had nothing to do but persevere for a short time, in order to save ourselves forever from the consequences of her ambition and her jacobinism?"

What! after having gone on from year to year upon assurances like these, and after having seen the repeated refutations of every prediction, are we again to be gravely and seriously assured that we have the same prospect of success on the same identical grounds?

And, without any other argument or security, are we invited, at this new era of the war, to conduct it upon principles which, if adopted and acted upon, may make it eternal? If the right honorable gentleman shall succeed in prevailing on Parliament and the country to adopt the principles which he has advanced this night, I see no possible termination to the contest. No man can see an end to it; and upon the assurances and predictions which have so uniformly failed we are called upon not merely to refuse all negotiation, but to countenance principles and views as distant from wisdom and justice as they are in their nature wild and impracticable.

I must lament, sir, in common with every genuine friend of peace, the harsh and unconciliating language which minis-

ters have held to the French, and which they have even made use of in their answer to a respectful offer of a negotiation. Such language has ever been considered as extremely unwise, and has ever been reprobated by diplomatic men.

I remember with pleasure the terms in which Lord Malmesbury, at Paris, in the year 1796, replied to expressions of this sort used by M. de la Croix. He justly said "that offensive and injurious insinuations were only calculated to throw new obstacles in the way of accommodation, and that it was not by revolting reproaches nor by reciprocal invective that a sincere wish to accomplish the great work of pacification could be evinced."

Nothing could be more proper nor more wise than this language; and such ought ever to be the tone and conduct of men entrusted with the very important task of treating with a hostile nation. Being a sincere friend to peace, I must say with Lord Malmesbury that it is not by reproaches and by invective that we can hope for a reconciliation; and I am convinced in my own mind that I speak the sense of this House, and, if not of this House, certainly of a majority of the people of this country, when I lament that any unprovoked and unnecessary recriminations should be flung out by which obstacles are put in the way of pacification. I believe it is the prevailing sentiment of the people that we ought to abstain from harsh and insulting language; and in common with them I must lament that both in the papers of Lord Grenville and this night such license has been given to invective and reproach.

For the same reason I must lament that the right honorable gentleman [Mr. Pitt] has thought proper to go at such length and with such severity of minute investigation into all the early circumstances of the war, which (whatever they

were) are nothing to the present purpose and ought not to influence the present feelings of the House. I certainly shall not follow him through the whole of this tedious detail, though I do not agree with him in many of his assertions.

I do not know what impression his narrative may make on other gentlemen; but I will tell him fairly and candidly he has not convinced me. I continue to think, and until I see better grounds for changing my opinion than any that the right honorable gentleman has this night produced, I shall continue to think, and to say plainly and explicitly "that this country was the aggressor in the war."

But with regard to Austria and Prussia — is there a man who for one moment can dispute that they were the aggressors? It will be vain for the right honorable gentleman to enter into long and plausible reasoning against the evidence of documents so clear, so decisive — so frequently, so thoroughly investigated.

The unfortunate monarch, Louis XVI, himself, as well as those who were in his confidence, has borne decisive testimony to the fact that between him and the Emperor [Leopold of Austria] there was an intimate correspondence and a perfect understanding. Do I mean by this that a positive treaty was entered into for the dismemberment of France? Certainly not. But no man can read the declarations which were made at Mantua as well as at Pilnitz, as they are given by M. Bertrand de Molville without acknowledging that this was not merely an intention, but a declaration of an intention, on the part of the great powers of Germany, to interfere in the internal affairs of France for the purpose of regulating the government against the opinion of the people.

This, though not a plan for the partition of France, was, in

the eye of reason and common sense, an aggression against France. The right honorable gentleman denies that there was such a thing as a treaty of Pilnitz. Granted. But was there not a declaration which amounted to an act of hostile aggression? The two powers, the Emperor of Germany and the King of Prussia, made a public declaration that they were determined to employ their forces in conjunction with those of the other sovereigns of Europe "to put the King of France in a situation to establish in perfect liberty the foundations of a monarchical government equally agreeable to the rights of sovereigns and the welfare of the French."

Whenever the other princes should agree to co-operate with them, "then and in that case their Majesties were determined to act promptly, and by mutual consent, with the forces necessary to obtain the end proposed by all of them. In the meantime they declared that they would give orders for their troops to be ready for actual service."

Now, I would ask gentlemen to lay their hands upon their hearts and say with candor what the true and fair construction of this declaration was — whether it was not a menace and an insult to France, since in direct terms it declared that whenever the other powers should concur they would attack France, then at peace with them, and then employed only in domestic and internal regulations?

Let us suppose the case to be that of Great Britain. Will any gentleman say that if two of the great powers should make a public declaration that they were determined to make an attack on this kingdom as soon as circumstances should favor their intention, that they only waited for this occasion, and that in the meantime they would keep their forces ready for the purpose, it would not be considered by the Parliament and people of this country as a hostile aggression? And is

there any Englishman in existence who is such a friend to peace as to say that the nation could retain its honor and dignity if it should sit down under such a menace?

I know too well what is due to the national character of England to believe that there would be two opinions on the case if thus put home to our own feelings and understandings. We must, then, respect in others the indignation which such an act would excite in ourselves; and when we see it established, on the most indisputable testimony, that both at Pilnitz and at Mantua declarations were made to this effect, it is idle to say that, as far as the Emperor and the King of Prussia were concerned, they were not the aggressors in the war.

"Oh! but the decree of the 19th of November, 1792." That, at least, the right honorable gentleman says, you must allow to be an act of aggression not only against England but against all the sovereigns of Europe.

I am not one of those, sir, who attach much interest to the general and indiscriminate provocations thrown out at random, like this resolution of the 19th of November, 1792. I do not think it necessary to the dignity of any people to notice and to apply to themselves menaces without particular allusion, which are always unwise in the power which uses them, and which it is still more unwise to treat with seriousness.

But if any such idle and general provocation to nations is given, either in insolence or in folly, by any government, it is a clear first principle that an explanation is the thing which a magnanimous nation, feeling itself aggrieved, ought to demand; and if an explanation be given which is not satisfactory it ought clearly and distinctly to say so. There should be no ambiguity, no reserve, on the occasion.

Now we all know, from documents on our table, that M. Chauvelin [the French minister] did give an explanation

of this silly decree. He declared in the name of his government that it was never meant that the French government should favor insurrections; that the decree was applicable only to those people who, after having acquired their liberty by conquest, should demand the assistance of the republic; but that France would respect, not only the independence of England, but also that of her allies with whom she was not at war.

This was the explanation of the offensive decree. "But this explanation was not satisfactory." Did you say so to M. Chauvelin? Did you tell him that you were not content with this explanation? and when you dismissed him, afterward, on the death of the King [of France], did you say that this explanation was unsatisfactory?

No. You did no such thing; and I contend that unless you demanded further explanations, and they were refused, you have no right to urge the decree of the 19th of November as an act of aggression.

In all your conferences and correspondence with M. Chauvelin did you hold out to him what terms would satisfy you? Did you give the French the power or the means of settling the misunderstanding which that decree, or any other of the points at issue, had created?

I maintain that when a nation refuses to state to another the thing which would satisfy her she shows that she is not actuated by a desire to preserve peace between them; and I aver that this was the case here. The Scheldt, for instance. You now say that the navigation of the Scheldt was one of your causes of complaint. Did you explain yourself on that subject? Did you make it one of the grounds for the dismissal of M. Chauvelin? Sir, I repeat it, that a nation to justify itself in appealing to the last solemn resort ought to prove

that it has taken every possible means, consistent with dignity, to demand the reparation and redress which would be satisfactory; and if she refuses to explain what would be satisfactory she does not do her duty or exonerate herself from the charge of being the aggressor.

The right honorable gentleman has this night, for the first time, produced a most important paper: the instructions which were given to his Majesty's minister at the court of St. Petersburg, about the end of the year 1792, to induce her imperial Majesty to join her efforts with those of his Britannic Majesty to prevent, by their joint mediation, the evils of a general war. Of this paper and of the existence of any such document I, for one, was wholly ignorant.

But I have no hesitation in saying that I entirely approve of the instructions which appear to have been given; and I am sorry to see the right honorable gentleman disposed rather to take blame to himself than credit for having written them. He thinks that he shall be subject to the imputation of having been rather too slow to apprehend the dangers with which the French Revolution was fraught than that he was forward and hasty —"Quod solum excusat, hoc solum mirer in illo."[1]

I do not agree with him. I by no means think that he was blamable for too much confidence in the good intentions of the French. I think the tenor and composition of this paper was excellent, the instructions conveyed in it wise, and that it wanted but one essential thing to have entitled it to general approbation, namely, to have been acted upon!

The clear nature and intent of that paper I take to be that our ministers were to solicit the court of Petersburg to join with them in a declaration to the French government stating explicitly what course of conduct with respect to their foreign

[1] "The only thing he excuses is the only thing in him which I admire."

relations they thought necessary to the general peace and security of Europe, and what, if complied with, would have induced them to mediate for that purpose. This was a proper, wise, and legitimate course of proceeding.

Now, I ask you, sir, whether, if this paper had been communicated to Paris at the end of the year 1792 instead of Petersburg, it would not have been productive of most seasonable benefits to mankind; and, by informing the French in time of the means by which they might have secured the mediation of Great Britain, have not only avoided the rupture with this country, but have also restored general peace to the continent? The paper, sir, was excellent in its intentions; but its merit was all in the composition. It was a fine theory, which ministers did not think proper to carry into practice. It was very much like what the right honorable gentleman at the head of the Board of Control [Mr. Dundas] said some years ago of the commercial system upon which we have maintained our government in the East Indies.

"Nothing could be more moral, more beautiful, and benevolent than the instructions which were sent out to our governors; but unfortunately those instructions had been confined to the registers of the corporation; they were to be found only in the minute-books of Leadenhall Street. Their beneficial effects had never been felt by the people, for whose protection and happiness the theories were framed."

In the same manner this very commendable paper, so well digested and so likely to preserve us from the calamities of war, was never communicated to the French; never acted upon; never known to the world until this day; nay, on the contrary, at the very time that ministers had drawn up this paper, they were insulting M. Chauvelin in every way until about the 23d or 24th of January, 1793, when they finally

dismissed him without stating any one ground upon which they were willing to preserve terms with the French.

But "France," it seems, "then declared war against us; and she was the aggressor because the declaration came from her." Let us look at the circumstances of this transaction on both sides. Undoubtedly the declaration was made by them; but is a declaration the only thing which constitutes the commencement of a war? Do gentlemen recollect that, in consequence of a dispute about the commencement of war, respecting the capture of a number of ships, an article was inserted in our treaty with France by which it was positively stipulated that in future, to prevent all disputes, the act of the dismissal of a minister from either of the two courts should be held and considered as tantamount to a declaration of war?

I mention this, sir, because when we are idly employed in this retrospect of the origin of a war which has lasted so many years, instead of turning our eyes only to the contemplation of the means of putting an end to it, we seem disposed to overlook everything on our own parts, and to search only for grounds of imputation on the enemy. I almost think it an insult on the House to detain them with this sort of examination.

Why, sir, if France was the aggressor, as the right honorable gentleman says she was throughout, did not Prussia call upon us for the stipulated number of troops, according to the article of the definitive treaty of alliance subsisting between us, by which, in case that either of the contracting parties was attacked, they had a right to demand the stipulated aid? and the same thing again may be asked when we were attacked.

The right honorable gentleman might here accuse himself, indeed, of reserve; but it unfortunately happened that at the time the point was too clear on which side the aggression lay. Prussia was too sensible that the war could not entitle her to

make the demand, and that it was not a case within the scope of the defensive treaty. This is evidence worth a volume of subsequent reasoning; for if, at the time when all the facts were present to their minds, they could not take advantage of existing treaties, and that too when the courts were on the most friendly terms with one another, it will be manifest to every thinking man that they were sensible that they were not authorized to make the demand.

I really, sir, cannot think it necessary to follow the right honorable gentleman into all the minute details which he has thought proper to give us respecting the first aggression; but that Austria and Prussia were the aggressors, not a man in any country who has ever given himself the trouble to think at all on the subject can doubt. Nothing could be more hostile than their whole proceedings. Did they not declare to France that it was her internal concerns, not her external proceedings, which provoked them to confederate against her?

Look back to the proclamations with which they set out. Read the declarations which they made themselves to justify their appeal to arms. They did not pretend to fear her ambition — her conquests — her troubling her neighbors; but they accused her of new-modelling her own government. They said nothing of her aggressions abroad. They spoke only of her clubs and societies at Paris.

Sir, in all this I am not justifying the French; I am not trying to absolve them from blame either in their internal or external policy. I think, on the contrary, that their successive rulers have been as bad and as execrable, in various instances, as any of the most despotic and unprincipled governments that the world ever saw. I think it impossible, sir, that it should have been otherwise. It was not to be expected that the French, when once engaged in foreign wars, should

not endeavor to spread destruction around them and to form plans of aggrandisement and plunder on every side.

Men bred in the school of the house of Bourbon could not be expected to act otherwise. They could not have lived so long under their ancient masters without imbibing the restless ambition, the perfidy, and the insatiable spirit of the race. They have imitated the practice of their great prototype, and, through their whole career of mischiefs and of crimes, have done no more than servilely trace the steps of their own Louis XIV. If they have overrun countries and ravaged them, they have done it upon Bourbon principles; if they have ruined and dethroned sovereigns, it is entirely after the Bourbon manner; if they have even fraternized with the people of foreign countries and pretended to make their cause their own, they have only faithfully followed the Bourbon example. They have constantly had Louis, the Grand Monarque, in their eye. But it may be said that this example was long ago and that we ought not to refer to a period so distant.

True, it is a remote period applied to the man, but not so of the principle. The principle was never extinct; nor has its operation been suspended in France, except, perhaps, for a short interval during the administration of Cardinal Fleury; and my complaint against the Republic of France is, not that she has generated new crimes — not that she has promulgated new mischief — but that she has adopted and acted upon the principles which have been so fatal to Europe under the practice of the house of Bourbon.

It is said that wherever the French have gone they have introduced revolution — they have sought for the means of disturbing neighboring states and have not been content with mere conquest. What is this but adopting the ingenious scheme of Louis XIV? He was not content with merely over-

running a state. Whenever he came into a new territory, he established what he called his chamber of claims, a most convenient device by which he inquired whether the conquered country or province had any dormant or disputed claims—any cause of complaint—any unsettled demand upon any other state or province — upon which he might wage war upon such state, thereby discover again ground for new devastation, and gratify his ambition by new acquisitions. What have the republicans done more atrocious, more Jacobinical than this? Louis went to war with Holland. His pretext was that Holland had not treated him with sufficient respect. A very just and proper cause for war indeed!

This, sir, leads me to an example which I think seasonable, and worthy the attention of his Majesty's ministers. When our Charles II, as a short exception to the policy of his reign, made the triple alliance for the protection of Europe, and particularly of Holland, against the ambition of Louis XIV, what was the conduct of that great, virtuous, and most able statesman, M. de Witt, when the confederates came to deliberate upon the terms upon which they should treat with the French monarch? When it was said that he had made unprincipled conquests, and that he ought to be forced to surrender them all, what was the language of that great and wise man?

"No," said he; "I think we ought not to look back to the origin of the war so much as the means of putting an end to it. If you had united in time to prevent these conquests, well; but now that he has made them, he stands upon the ground of conquest, and we must agree to treat with him, not with reference to the origin of the conquest, but with regard to his present posture. He has those places, and some of them we must be content to give up as the means of peace;

for conquest will always successfully set up its claims to indemnification."

Such was the language of this minister, who was the ornament of his time; and such, in my mind, ought to be the language of statesmen with regard to the French at this day; and the same ought to have been said at the formation of the confederacy. It was true that the French had overrun Savoy; but they had overrun it upon Bourbon principles; and, having gained this and other conquests before the confederacy was formed, they ought to have treated with her rather for future security than for past correction.

States in possession, whether monarchical or republican, will claim indemnity in proportion to their success; and it will never so much be inquired by what right they gained possession as by what means they can be prevented from enlarging their depredations.

Such is the safe practice of the world; and such ought to have been the conduct of the powers when the reduction of Savoy made them coalesce. The right honorable gentleman may know more of the secret particulars of their overrunning Savoy than I do; but certainly, as they have come to my knowledge, it was a most Bourbon-like act.

A great and justly celebrated historian, I mean Mr. Hume, a writer certainly estimable in many particulars, but who is a childish lover of princes, talks of Louis XIV in very magnificent terms. But he says of him that though he managed his enterprises with great skill and bravery he was unfortunate in this, that he never got a good and fair pretence for war.

This he reckons among his misfortunes. Can we say more of the republican French? In seizing on Savoy I think they made use of the words "*convénances morales et physiques.*"[1]

[1] "Conveniences moral and physical."

These were her reasons. A most Bourbon-like phrase. And I therefore contend that as we never scrupled to treat with the princes of the house of Bourbon on account of their rapacity, their thirst of conquest, their violation of treaties, their perfidy, and their restless spirit, so, I contend, we ought not to refuse to treat with their republican imitators.

Ministers could not pretend ignorance of the unprincipled manner in which the French had seized on Savoy. The Sardinian minister complained of the aggression, and yet no stir was made about it. The courts of Europe stood by and saw the outrage; and our ministers saw it. The right honorable gentleman will in vain, therefore, exert his powers to persuade me of the interest he takes in the preservation of the rights of nations, since, at the moment when an interference might have been made with effect, no step was taken, no remonstrance made, no mediation negotiated, to stop the career of conquest.

All the pretended and hypocritical sensibility "for the rights of nations, and for social order," with which we have since been stunned, cannot impose upon those who will take the trouble to look back to the period when this sensibility ought to have roused us into seasonable exertion. At that time, however, the right honorable gentleman makes it his boast that he was prevented, by a sense of neutrality, from taking any measures of precaution on the subject. I do not give the right honorable gentleman much credit for his spirit of neutrality on the occasion. It flowed from the sense of the country at the time, the great majority of which was clearly and decidedly against all interruptions being given to the French in their desire of regulating their own internal government.

But this neutrality, which respected only the internal rights

of the French, and from which the people of England would never have departed but for the impolitic and hypocritical cant which was set up to arouse their jealousy and alarm their fears, was very different from the great principle of political prudence which ought to have actuated the councils of the nation on seeing the first steps of France toward a career of external conquest.

My opinion is, that when the unfortunate King of France offered to us, in the letter delivered by M. Chauvelin and M. Talleyrand, and even entreated us to mediate between him and the allied powers of Austria and Prussia, they [ministers] ought to have accepted of the offer and exerted their influence to save Europe from the consequence of a system which was then beginning to manifest itself. It was at least a question of prudence; and as we had never refused to treat and to mediate with the old princes on account of their ambition or their perfidy we ought to have been equally ready now, when the same principles were acted upon by other men. I must doubt the sensibility which could be so cold and so indifferent at the proper moment for its activity.

I fear that there were at that moment the germs of ambition rising in the mind of the right honorable gentleman, and that he was beginning, like others, to entertain hopes that something might be obtained out of the coming confusion. What but such a sentiment could have prevented him from overlooking the fair occasion that was offered for preventing the calamities with which Europe was threatened? What but some such interested principle could have made him forego the truly honorable task by which his administration would have displayed its magnanimity and its power?

But for some such feeling, would not this country, both in wisdom and in dignity, have interfered, and, in conjunction with the others powers, have said to France:

"You ask for a mediation. We will mediate with candor and sincerity, but we will at the same time declare to you our apprehensions.

"We do not trust to your assertion of a determination to avoid all foreign conquest, and that you are desirous only of settling your own constitution, because your language is contradicted by experience and the evidence of facts. You are Frenchmen, and you cannot so soon have forgotten and thrown off the Bourbon principles in which you were educated.

"You have already imitated the bad practice of your princes. You have seized on Savoy without a color of right. But here we take our stand. Thus far you have gone, and we cannot help it; but you must go no farther.

"We will tell you distinctly what we shall consider as an attack on the balance and the security of Europe; and, as the condition of our interference, we will tell you also the securities that we think essential to the general repose."

This ought to have been the language of his Majesty's ministers when their mediation was solicited; and something of this kind they evidently thought of when they sent the instructions to Petersburg which they have mentioned this night, but upon which they never acted.

Having not done so, I say they have no right to talk now about the violated rights of Europe, about the aggression of the French, and about the origin of the war in which this country was so suddenly afterward plunged. Instead of this, what did they do? They hung back; they avoided explanation; they gave the French no means of satisfying them; and I repeat my proposition — when there is a question of peace and war between two nations, that government feels itself in the wrong which refuses to state with clearness and precision what she should consider as a satisfaction and a pledge of peace.

Sir, if I understand the true precepts of the Christian religion as set forth in the New Testament, I must be permitted to say that there is no such thing as a rule or doctrine by which we are directed or can be justified in waging a war for religion. The idea is subversive of the very foundations upon which it stands, which are those of peace and good will among men. Religion never was and never can be a justifiable cause of war; but it has been too often grossly used as the pretext and the apology for the most unprincipled wars.

I have already said, and I repeat it, that the conduct of the French to foreign nations cannot be justified. They have given great cause of offence, but certainly not to all countries alike. The right honorable gentlemen opposite to me have made an indiscriminate catalogue of all the countries which the French have offended, and, in their eagerness to throw odium on the nation, have taken no pains to investigate the sources of their several quarrels. I will not detain you, sir, by entering into the long detail which has been given of their aggressions and their violences; but let me mention Sardinia as one instance which has been strongly insisted upon. Did the French attack Sardinia when at peace with them? No such thing.

The King of Sardinia had accepted of a subsidy from Great Britain; and Sardinia was, to all intents and purposes, a belligerent power. Several other instances might be mentioned; but though perhaps, in the majority of instances, the French may be unjustifiable, is this the moment for us to dwell upon these enormities — to waste our time, and inflame our passions by criminating and recriminating upon each other? There is no end to such a war.

I have somewhere read—I think in Sir Walter Raleigh's "History of the World"—of a most bloody and fatal battle

which was fought by two opposite armies, in which almost all the combatants on both sides were killed, "because," says the historian, "though they had offensive weapons on both sides, they had none for defence."

So, in this war of words, if we are to use only offensive weapons, if we are to indulge only in invective and abuse, the contest must be eternal.

If this war of reproach and invective is to be countenanced, may not the French with equal reason complain of the outrages and horrors committed by the powers opposed to them? If we must not treat with the French on account of the iniquity of their former transactions, ought we not to be as scrupulous of connecting ourselves with other powers equally criminal? Surely, sir, if we must be thus rigid in scrutinizing the conduct of an enemy, we ought to be equally careful in not committing ourselves, our honor, and our safety, with an ally who has manifested the same want of respect for the rights of other nations.

Surely, if it is material to know the character of a power with whom you are about only to treat for peace, it is more material to know the character of allies with whom you are about to enter into the closest connection of friendship, and for whose exertions you are about to pay. Now, sir, what was the conduct of your own allies to Poland? Is there a single atrocity of the French, in Italy, in Switzerland, in Egypt, if you please, more unprincipled and inhuman than that of Russia, Austria, and Prussia, in Poland?

What has there been in the conduct of the French to foreign powers; what in the violation of solemn treaties; what in the plunder, devastation, and dismemberment of unoffending countries; what in the horrors and murders perpetrated upon the subdued victims of their rage in any district which

they have overrun,—worse than the conduct of those three great powers in the miserable, devoted, and trampled-on kingdom of Poland, and who have been, or are, our allies in this war for religion and social order and the rights of nations? "Oh! but you regretted the partition of Poland!"

Yes, regretted! you regretted the violence, and that is all you did. You united yourselves with the actors; you in fact, by your acquiescence, confirmed the atrocity. But they are your allies; and though they overran and divided Poland, there was nothing, perhaps, in the manner of doing it which stamped it with peculiar infamy and disgrace.

The hero of Poland [Suwaroff], perhaps, was merciful and mild! He was "as much superior to Bonaparte in bravery, and in the discipline which he maintained, as he was superior in virtue and humanity!" He was animated by the purest principles of Christianity and was restrained in his career by the benevolent precepts which it inculcates!

Was he?

Let unfortunate Warsaw, and the miserable inhabitants of the suburb of Praga in particular, tell! What do we understand to have been the conduct of this magnanimous hero, with whom, it seems, Bonaparte is not to be compared? He entered the suburb of Praga, the most populous suburb of Warsaw; and there he let his soldiery loose on the miserable, unarmed, and unresisting people. Men, women, and children, nay, infants at the breast, were doomed to one indiscriminate massacre! Thousands of them were inhumanly, wantonly butchered!

And for what?

Because they had dared to join in a wish to meliorate their own condition as a people, and to improve their constitution, which had been confessed by their own sovereign to be in

want of amendment. And such is the hero upon whom the cause of religion and social order is to repose.

And such is the man whom we praise for his discipline and his virtue, and whom we hold out as our boast and our dependence; while the conduct of Bonaparte unfits him to be even treated with as an enemy?

But the behavior of the French toward Switzerland raises all the indignation of the right honorable gentleman and inflames his eloquence. I admire the indignation which he expresses, and I think he felt it, in speaking of this country, so dear and so congenial to every man who loves the sacred name of liberty. "He who loves liberty," says the right honorable gentleman, "thought himself at home on the favored and happy mountains of Switzerland, where she seemed to have taken up her abode under a sort of implied compact, among all other states, that she should not be disturbed in this her chosen asylum."

I admire the eloquence of the right honorable gentleman in speaking of this country of liberty and peace, to which every man would desire, once in his life at least, to make a pilgrimage! But who, let me ask him, first proposed to the Swiss people to depart from the neutrality which was their chief protection and to join the confederacy against the French?

I aver that a noble relation of mine [Lord Robert Fitzgerald], then the minister of England to the Swiss Cantons, was instructed in direct terms to propose to the Swiss, by an official note, to break from the safe line they had laid down for themselves, and to tell them "in such a contest neutrality was criminal."

I know that noble lord too well, though I have not been in habits of intercourse with him of late, from the employments

in which he has been engaged, to suspect that he would have presented such a paper without the express instructions of his court, or that he would have gone beyond those instructions.

But was it only to Switzerland that this sort of language was held? What was our language also to Tuscany and Genoa? An honorable gentleman [Mr. Canning] has denied the authenticity of a pretended letter which has been circulated, and ascribed to Lord Harvey. He says it is all a fable and a forgery.

Be it so; but is it also a fable that Lord Harvey did speak in terms to the Grand Duke which he considered as offensive and insulting? I cannot tell, for I was not present: but was it not and is it not believed? Is it a fable that Lord Harvey went into the closet of the Grand Duke, laid his watch on the table, and demanded in a peremptory manner that he should, within a certain number of minutes (I think I have heard within a quarter of an hour), determine, aye or no, to dismiss the French minister and order him out of his dominions, with the menace that if he did not the English fleet should bombard Leghorn?

Will the honorable gentleman deny this also?

I certainly do not know it from my own knowledge; but I know that persons of the first credit, then at Florence, have stated these facts, and that they have never been contradicted. It is true that upon the Grand Duke's complaint of this indignity Lord Harvey was recalled; but was the principle recalled? was the mission recalled? Did not ministers persist in the demand which Lord Harvey had made, perhaps ungraciously? and was not the Grand Duke forced in consequence to dismiss the French minister? and did they not drive him to enter into an unwilling war with the republic?

It is true that he afterward made his peace, and that, having done so, he was treated severely and unjustly by the French; but what do I conclude from all this but that we have no right to be scrupulous, we who have violated the respect due to peaceable powers ourselves, in this war, which, more than any other that ever afflicted human nature, has been distinguished by the greatest number of disgusting and outrageous insults by the great to the smaller powers.

And I infer from this, also, that the instances not being confined to the French, but having been perpetrated by every one of the allies, and by England as much as by others, we have no right, either in personal character or from our own deportment, to refuse to treat with the French on this ground.

Need I speak of your conduct to Genoa also? Perhaps the note delivered by Mr. Drake was also a forgery. Perhaps the blockade of the port never took place.

It is impossible to deny the facts, which were so glaring at the time. It is a painful thing to me, sir, to be obliged to go back to these unfortunate periods of the history of this war and of the conduct of this country; but I am forced to the task by the use which has been made of the atrocities of the French as an argument against negotiation. I think I have said enough to prove that if the French have been guilty we have not been innocent. Nothing but determined incredulity can make us deaf and blind to our own acts, when we are so ready to yield an assent to all the reproaches which are thrown out on the enemy, and upon which reproaches we are gravely told to continue the war.

"But the French," it seems, "have behaved ill everywhere. They seized on Venice, which had preserved the most exact neutrality, or rather," as it is hinted, "had manifested symp-

toms of friendship to them." I agree with the right honorable gentleman, it was an abominable act.

I am not the apologist, much less the advocate, of their iniquities; neither will I countenance them in their pretences for the injustice. I do not think that much regard is to be paid to the charges which a triumphant soldiery bring on the conduct of a people whom they have overrun. Pretences for outrage will never be wanting to the strong when they wish to trample on the weak; but when we accuse the French of having seized on Venice after stipulating for its neutrality and guaranteeing its independence we should also remember the excuse that they made for the violence, namely, that their troops had been attacked and murdered. I say I am always incredulous about such excuses; but I think it fair to hear whatever can be alleged on the other side. We cannot take one side of a story only. Candor demands that we should examine the whole before we make up our minds on the guilt.

I cannot think it quite fair to state the view of the subject of one party as indisputable fact without even mentioning what the other party has to say for itself. But, sir, is this all? Though the perfidy of the French to the Venetians be clear and palpable, was it worse in morals, in principle, and in example, than the conduct of Austria? My honorable friend [Mr. Whitbread] properly asked, "Is not the receiver as bad as the thief?"

If the French seized on the territory of Venice, did not the Austrians agree to receive it? "But this," it seems, "is not the same thing." It is quite in the nature and within the rule of diplomatic morality for Austria to receive the country which was thus seized upon unjustly. "The Emperor took it as a compensation. It was his by barter. He was not answerable for the guilt by which it was obtained."

What is this, sir, but the false and abominable reasoning with which we have been so often disgusted on the subject of the slave trade? Just in the same manner have I heard a notorious wholesale dealer in this inhuman traffic justify his abominable trade.

"I am not guilty of the horrible crime of tearing that mother from her infants; that husband from his wife; of depopulating that village; of depriving that family of their sons, the support of their aged parents! No, thank Heaven! I am not guilty of this horror. I only bought them in the fair way of trade. They were brought to the market; they had been guilty of crimes, or they had been made prisoners of war; they were accused of witchcraft, of obi, or of some other sort of sorcery; and they were brought to me for sale. I gave a valuable consideration for them. But God forbid that I should have stained my soul with the guilt of dragging them from their friends and families!"

Such has been the precious defence of the slave trade, and such is the argument set up for Austria in this instance of Venice

"I did not commit the crime of trampling on the independence of Venice; I did not seize on the city; I gave a *quid pro quo.* It was a matter of barter and indemnity; I gave half a million of human beings to be put under the yoke of France in another district, and I had these people turned over to me in return!"

This, sir, is the defence of Austria; and under such detestable sophistry is the infernal traffic in human flesh, whether in white or black, to be continued and even justified! At no time has that diabolical traffic been carried to a greater length than during the present war, and that by England herself, as well as Austria and Russia.

"But France," it seems, "has roused all the nations of Europe against her;" and the long catalogue has been read to you to prove that she must have been atrocious to provoke them all. Is it true, sir, that she has roused them all? It does not say much for the address of his Majety's ministers, if this be the case. What, sir! have all your negotiations, all your declamation, all your money, been squandered in vain? Have you not succeeded in stirring the indignation and engaging the assistance of a single power?

But you do yourselves injustice. Between the crimes of France and your money the rage has been excited, and full as much is due to your seductions as to her atrocities. My honorable and learned friend [Mr. Erskine] was correct, therefore, in his argument; for you cannot take both sides of the case; you cannot accuse France of having provoked all Europe, and at the same time claim the merit of having roused all Europe to join you.

You talk, sir, of your allies. I wish to know who your allies are? Russia is one of them, I suppose. Did France attack Russia? Has the magnanimous Paul taken the field for social order and religion, or on account of personal aggression? The Emperor of Russia has declared himself Grand Master of Malta, though his religion is as opposite to that of the Knights as ours is; and he is as much considered a heretic by the Church of Rome as we are.

The King of Great Britain might, with as much reason and propriety, declare himself the head of the order of the Chartreuse monks. Not content with taking to himself the commandery of this institution of Malta, Paul has even created a married man a Knight, contrary to all the most sacred rules and regulations of the order; and yet this ally of ours is fighting for religion! So much for his religion. Let us

see his regard to social order! How does he show his abhorrence of the principles of the French in their violation of the rights of other nations?

What has been his conduct to Denmark?

He says to her, "You have seditious clubs at Copenhagen; no Danish vessel shall therefore enter the ports of Russia!" He holds a still more despotic language to Hamburg. He threatens to lay an embargo on her trade; and he forces her to surrender up men who are claimed by the French as their citizens, whether truly or not I do not inquire. He threatens her with his own vengeance if she refuse, and subjects her to that of the French if she comply.

And what has been his conduct to Spain?

He first sends away the Spanish minister from Petersburg, and then complains, as a great insult, that his minister was dismissed from Madrid! This is one of our allies; and he has declared that the object for which he has taken up arms is to replace the ancient race of the house of Bourbon on the throne of France, and that he does this for the cause of religion and social order! Such is the respect for religion and social order which he himself displays, and such are the examples of it with which we coalesce!

No man regrets, sir, more than I do, the enormities that France has committed; but how do they bear upon the question as it at present stands? Are we forever to deprive ourselves of the benefits of peace because France has perpetrated acts of injustice?

Sir, we cannot acquit ourselves upon such ground. We have negotiated. With the knowledge of these acts of injustice and disorder we have treated with them twice; yet the right honorable gentleman cannot enter into negotiation with them again; and it is worth while to attend to the reasons that he gives for refusing their offer.

The Revolution itself is no more an objection now than it was in the year 1796, when he did negotiate. For the government of France at that time was surely as unstable as it is at present. The crimes of the French, the instability of their government, did not then prevent him; and why are they to prevent him now? He negotiated with a government as unstable, and, baffled in that negotiation, he did not scruple to open another at Lisle in the year 1797.

We have heard a very curious account of these negotiations this day, and, as the right honorable gentleman has emphatically told us, an honest account of them. He says he has no scruple in avowing that he apprehended danger from the success of his own efforts to procure a pacification, and that he was not displeased at its failure. He was sincere in his endeavors to treat, but he was not disappointed when they failed. I wish accurately to understand the right honorable gentleman.

His declaration on the subject, then, I take to be, that though sincere in his endeavors to procure peace in 1797, yet he apprehended greater danger from accomplishing his object than from the continuance of war; and that he felt this apprehension from the comparative views of the probable state of peace and war at that time. I hope I state the right honorable gentleman correctly. I have no hesitation in allowing the fact that a state of peace immediately after a war of such violence must in some respects be a state of insecurity; but does this not belong in a certain degree to all wars? and are we never to have peace because that peace may be insecure?

But there was something, it seems, so peculiar in this war, and in the character and principles of the enemy, that the right honorable gentleman thought a peace in 1797 would be comparatively more dangerous than war.

Why, then, did he treat?

I beg the attention of the House to this point.

He treated "because the unequivocal sense of the people of England was declared to be in favor of a negotiation."

The right honorable gentleman, therefore, confesses the truth that in 1797 the people were for peace. I thought so at the time, but you all recollect that when I stated it in my place it was denied.

"True," ministers said, "you have procured petitions, but we have petitions also. We all know in what strange ways petitions may be procured and how little they deserve to be considered as the sense of the people."

This was their language at the time; but now we find these petitions did speak the sense of the people, and that it was on this side of the House only the sense of the people was spoken. The majority spoke a contrary language!

It hence follows that the unequivocal sense of the people of England may be spoken by the minority of this House, and that it is not always by the test of numbers that an honest decision is to be ascertained. This House decided against what the right honorable gentleman knew to be the sense of the country; but he himself acted upon that sense against the vote of Parliament.

The negotiation in 1796 went off, as my honorable and learned friend [Mr. Erskine] has said, upon the question of Belgium; or, as the right honorable gentleman asserts, upon a question of principle. He negotiated to please the people, but it was defeated on account of a "monstrous principle advanced by France, incompatible with all negotiation."

This is now said. Did the right honorable gentleman say so at the time? Did he fairly and candidly inform the people of England that they broke off the negotiation because the

French had urged a basis that it was totally impossible for England at any time to grant?

No such thing. On the contrary, when the negotiation broke off, they [the ministry] published a manifesto "renewing, in the face of Europe, the solemn declaration that whenever the enemy should be disposed to enter on the work of a general pacification in a spirit of conciliation and equity, nothing should be wanting on their part to contribute to the accomplishment of that great object." And, accordingly, in the year 1797, notwithstanding this "incompatible principle," and with all the enormities of the French on their heads, they opened a new negotiation at Lisle.

They did not wait for any retraction of this incompatible principle; they did not wait even till overtures were made to them; but they solicited and renewed a negotiation themselves.

I do not blame them for this, sir; I say only that it is an argument against the assertion of an "incompatible principle." It is a proof that they did not then think as the right honorable gentleman now says they thought, but that they yielded to the sentiments of the nation, who were generally inclined to peace, against their own judgment; and, from a motive which I shall come to presently, they had no hesitation, on account of the first rupture, to renew the negotiation.

It was renewed at Lisle; and this the French broke off, after the Revolution at Paris on the 4th of September, 1797. What was the conduct of ministers upon this occasion? One would have thought that with the fresh insult at Lisle in their minds, with the recollection of their failure the year before at Paris, if it had been true that they found an incompatible principle they would have talked a warlike language and would have announced to their country and to all Europe that peace was not to be obtained; that they must throw away the

scabbard and think only of the means of continuing the contest. No such thing.

They put forth a declaration in which they said that they should look with anxious expectation for the moment when the government of France should show a disposition and spirit corresponding with their own; and renewing before all Europe the solemn declaration that at the very moment when the brilliant victory of Lord Duncan might have justified them to demand more extravagant terms they were willing, if the calamities of war could be closed, to conclude peace on the same moderate and equitable principles and terms which they had before proposed. Such was their declaration upon that occasion; and in the discussions which we had upon it in this House, ministers were explicit.

They said that by that negotiation there had been given to the world what might be regarded as an unequivocal test of the sincerity and disposition of a government toward peace or against it. For those who refuse discussion show that they are disinclined to pacification; and it is therefore, they said, always to be considered as a test, that the party who refuses to negotiate is the party who is disinclined to peace. This they themselves set up as the criterion. Try them now, sir, by it. An offer is made them. They rashly, and I think rudely, refuse it. Have they, or have they not, broken their own test?

But they say "they have not refused all discussion." They have put a case. They have expressed a wish for the restoration of the house of Bourbon, and have declared that to be an event which would immediately remove every obstacle to negotiation. Sir, as to the restoration of the house of Bourbon, if it shall be the wish of the people of France, I, for one, will be perfectly content to acquiesce. I think the people

of France, as well as every other people, ought to have the government which they like best, and the form of that government, or the persons who hold it in their hands, should never be an obstacle with me to treat with the nation for peace or to live with them in amity.

But as an Englishman, sir, and actuated by English feelings, I surely cannot wish for the restoration of the house of Bourbon to the throne of France. I hope that I am not a man to bear heavily upon any unfortunate family. I feel for their situation; I respect their distresses; but as a friend of England I cannot wish for their restoration to the power which they abused. I cannot forget that the whole history of the last century is little more than an account of the wars and the calamities arising from the restless ambition, the intrigues, and the perfidy of the house of Bourbon.

I cannot discover, in any part of the labored defence which has been set up for not accepting the offer now made by France, any argument to satisfy my mind that ministers have not forfeited the test which they held out as infallible in 1797.

An honorable gentleman [Mr. Canning] thinks that Parliament should be eager only to approach the throne with declarations of their readiness and resolution to support his Majesty in the further prosecution of the war without inquiry; and he is delighted with an address, which he has found upon the journals, to King William, in which they pledged themselves to support him in his efforts to resist the ambition of Louis XIV. He thinks it quite astonishing how much it is in point and how perfectly it applies to the present occasion.

One would have thought, sir, that in order to prove the application he would have shown that an offer had been respectfully made by the Grand Monarque to King William,

to treat, which he had peremptorily and in very irritating terms refused; and that upon this the House of Commons had come forward and with one voice declared their determination to stand by him with their lives and fortunes in prosecuting the just and necessary war.

Not a word like this; and yet the honorable gentleman finds it exactly a parallel case and a model for the House on this day to imitate. I really think, sir, he might as well have taken any other address upon the journals, upon any other topic, as this address to King William. It would have been equally in point, and would have equally served to show the honorable gentleman's talent for reasoning.

Sir, I cannot here overlook another instance of this honorable gentleman's candid style of debating and of his respect for Parliament. He has found out, it seems, that in former periods of our history, and even in periods which have been denominated good times, intercepted letters have been published; and he reads from the gazette instances of such publication.

Really, sir, if the honorable gentleman had pursued the profession to which he turned his thoughts when younger, he would have learned that it was necessary to find cases a little more apposite. And yet, full of his triumph on this notable discovery, he has chosen to indulge himself in speaking of a most respectable and a most honorable person as any that his country knows, and who is possessed of as sound an understanding as any man that I have the good fortune to be acquainted with, in terms the most offensive and disgusting, on account of words which he may be supposed to have said in another place.

He has spoken of that noble person, and of his intellect, in terms which, were I disposed to retort, I might say show him-

self to be possessed of an intellect which would justify me in passing over in silence anything that comes from him Sir, the noble person did not speak of the mere act of publishing the intercepted correspondence; and the honorable gentleman's reference to the gazettes of former periods is therefore not in point. The noble duke complained of the manner in which these intercepted letters had been published, not of the fact itself of their publication; for, in the introduction and notes to those letters the ribaldry is such that they are not screened from the execration of every honorable mind even by their extreme stupidity.

The honorable gentleman [Mr. Canning] says that he must treat with indifference the intellect of a man who can ascribe the present scarcity of corn to the war. Sir, I think there is nothing either absurd or unjust in such an opinion. Does not the war necessarily, by its magazines, and still more by its expeditions, increase consumption? But when we learn that corn is at this very moment sold in France for less than half the price which it bears here, is it not fair to suppose that, but for the war and its prohibitions, a part of that grain would be brought to this country, on account of the high price which it would command, and that consequently our scarcity would be relieved from their abundance?

I speak, of course, only upon report; but I see that the prices quoted in the French markets are less by one half than the prices in England. There was nothing, therefore, very absurd in what fell from the noble person; and I would really advise the honorable gentleman, when he speaks of persons distinguished for every virtue, to be a little more guarded in his language.

I see no reason why he and his friends should not leave to persons in another place, holding the same opinions as them-

selves, the task of answering what may be thrown out there. Is not the phalanx sufficient?

It is no great compliment to their talents, considering their number, that they cannot be left to the task of answering the few to whom they are opposed; but perhaps the honorable gentleman has too little to do in this House and is to be sent there himself. In truth I see no reason why even he might not be sent, as well as some others who have been raised to the peerage.

But while he continues with us I really think that the honorable gentleman will find full employment for all his talents in answering the arguments which are urged in this House, without employing them in disparaging one of the finest understandings in this kingdom.

And now, sir, to return to the subject of the negotiation in 1797. It is, in my mind, extremely material to attend to the account which the minister gives of his memorable negotiation of 1797 and of his motives for entering into it. In all questions of peace and war, he says, many circumstances must necessarily enter into the consideration; and that they are not to be decided upon by the extremes. The determination must be made upon a balance and a comparison of the evils or the advantages upon the one side and the other, and that one of the greatest considerations is that of finance.

In 1797 the right honorable gentleman confesses he found himself peculiarly embarrassed as to the resources for the war, if they were to be found in the old and usual way of the funding system. Now, though he thought, upon his balance and comparison of considerations, that the evils of war would be fewer than those of peace, yet they would only be so provided that he could establish "a new and solid system of finance" in the place of the old and exhausted funding system; and to

accomplish this scheme it was necessary to have the unanimous assent and approbation of the people. To procure unanimity, he pretended to be a friend to negotiation, though he did not wish for the success of that negotiation, but hoped only through that means he should bring the people to agree to his new and solid system of finance. I trust I state the right honorable gentleman fairly. I am sure that I mean to do so. With these views, then, what does he do? Knowing that, contrary to his declarations in this House, the opinion of the people of England was generally for peace, he enters into a negotiation in which, as the world believed at the time, and even until this day, he completely failed.

No such thing, sir. He completely succeeded! For his object was not to gain peace. It was to gain over the people of this country to a "new and solid system of finance"— that is, to the raising a great part of the supplies within the year, to the triple assessment, and to the tax upon income!

And how did he gain them over?

By pretending to be a friend of peace, which he was not, and by opening a negotiation which he secretly wished might not succeed! The right honorable gentleman says that in all this he was honest and sincere.

He negotiated fairly, and would have obtained the peace, if the French had shown a disposition correspondent to his own; but he rejoiced that their conduct was such as to convince the people of England of the necessity of concurring with him in the views which he had, and in granting him the supply which he thought essential to their posture at the time. Sir, I will not say that in all this he was not honest to his own purpose, and that he has not been honest in his declarations and confessions this night; but I cannot agree that he was honest to this House or honest to the people of this country.

To this House it was not honest to make them counteract the sense of the people as he knew it to be expressed in the petitions upon the table, nor was it honest to the country to act in a disguise, and to pursue a secret purpose unknown to them, while affecting to take the road which they pointed out.

I know not whether this may not be honesty in the political ethics of the right honorable gentleman; but I know that it would be called by a very different name in the common transactions of society, and in the rules of morality established in private life.

I know of nothing in the history of this country that it resembles, except, perhaps, one of the most profligate periods — the reign of Charles II, when the sale of Dunkirk might probably have been justified by the same pretence. That monarch also declared war against France, and did it to cover a negotiation by which, in his difficulties, he was to gain a "solid system of finance."

But, sir, I meet the right honorable gentleman on his own ground. I say that you ought to treat on the same principle on which you treated in 1797, in order to gain the cordial co-operation of the people. We want "experience and the evidence of facts." Can there be any evidence of facts equal to that of a frank, open, and candid negotiation.

Let us see whether Bonaparte will display the same temper as his predecessors. If he shall do so, then you will confirm the people of England in their opinion of the necessity of continuing the war, and you will revive all the vigor which you roused in 1797. Or will you not do this until you have a reverse of fortune? Will you never treat but when you are in a situation of distress and when you have occasion to impose on the people?

But you say you have not refused to treat. You have stated a case in which you will be ready immediately to enter into a negotiation, namely, the restoration of the house of Bourbon. But you deny that this is a *sine qua non;* and in your nonsensical language, which I do not understand, you talk of "limited possibilities" which may induce you to treat without the restoration of the house of Bourbon. But do you state what they are? Now, sir, I say that if you put one case upon which you declare that you are willing to treat immediately, and say that there are other possible cases which may induce you to treat hereafter, without mentioning what these possible cases are, you do state a *sine qua non* of immediate treaty.

Suppose that I have an estate to sell, and I say my demand is £1,000 for it. For that sum I will sell the estate immediately. To be sure, there may be other terms upon which I may be willing to part with it; but I mention nothing of them. The £1,000 is the only condition that I state at the time. Will any gentleman assert that I do not make the £1,000 the *sine qua non* of the immediate sale?

Thus you say the restoration of the Bourbons is not the only possible ground; but you give no other. This is your project. Do you demand a counter project? Do you follow your own rule? Do you not do the thing of which you complained in the enemy? You seemed to be afraid of receiving another proposition; and, by confining yourselves to this one point, you make it in fact, though not in terms, your *sine qua non.*

But the right honorable gentleman, in his speech, does what the official note avoids. He finds there the convenient words, "experience and the evidence of facts." Upon these he goes into detail; and in order to convince the House that new evidence is required he reverts to all the earliest acts and crimes

of the Revolution; to all the atrocities of all the governments that have passed away; and he contends that he must have experience that these foul crimes are repented of, and that a purer and a better system is adopted in France, by which he may be sure that they will be capable of maintaining the relations of peace and amity.

Sir, these are not conciliatory words; nor is this a practicable ground to gain experience. Does he think it possible that evidence of a peaceable demeanor can be obtained in war? What does he mean to say to the French consul? "Until you shall, in war, behave yourself in a peaceable manner, I will not treat with you!"

Is there not in this something extremely ridiculous? In duels, indeed, we have often heard of such language. Two gentlemen go out and fight, when, having discharged their pistols at one another, it is not unusual for one of them to say to the other, "Now I am satisfied. I see that you are a man of honor, and we are friends again." There is something, by the by, ridiculous even here.

But between nations it is more than ridiculous. It is criminal. It is a ground which no principle can justify, and which is as impracticable as it is impious. That two nations should be set on to beat one another into friendship is too abominable even for the fiction of romance; but for a statesman seriously and gravely to lay it down as a system upon which he means to act is monstrous. What can we say of such a test as he means to put the French government to, but that it is hopeless? It is in the nature of war to inflame animosity; to exasperate, not to soothe; to widen, not to approximate. So long as this is to be acted upon, I say it is in vain to hope that we can have the evidence which we require.

The right honorable gentleman, however, thinks otherwise;

and he points out four distinct possible cases, besides the re-establishment of the Bourbon family, in which he would agree to treat with the French.

"If Bonaparte shall conduct himself so as to convince him that he has abandoned the principles which were objectionable in his predecessors, and that he will be actuated by a more moderate system." I ask you, sir, if this is likely to be ascertained in war? It is the nature of war not to allay, but to inflame the passions; and it is not by the invective and abuse which have been thrown upon him and his government, nor by the continued irritations which war is sure to give, that the virtues of moderation and forbearance are to be nourished.

"If, contrary to the expectations of ministers, the people of France shall show a disposition to acquiesce in the government of Bonaparte." Does the right honorable gentleman mean to say that because it is a usurpation on the part of the present chief that therefore the people are not likely to acquiesce in it? I have not time, sir, to discuss the question of this usurpation, or whether it is likely to be permanent; but I certainly have not so good an opinion of the French, nor of any people, as to believe that it will be short-lived merely because it was a usurpation and because it is a system of military despotism. Cromwell was a usurper; and in many points there may be found a resemblance between him and the present Chief Consul of France. There is no doubt but that, on several occasions of his life, Cromwell's sincerity may be questioned, particularly in his self-denying ordinance, in his affected piety, and other things; but would it not have been insanity in France and Spain to refuse to treat with him because he was a usurper or wanted candor? No, sir, these are not the maxims by which governments are actuated. They do not inquire so much into the means by which power

may have been acquired as into the fact of where the power resides. The people did acquiesce in the government of Cromwell. But it may be said that the splendor of his talents, the vigor of his administration, the high tone with which he spoke to foreign nations, the success of his arms, and the character which he gave to the English name, induced the nation to acquiesce in his usurpation; and that we must not try Bonaparte by his example. Will it be said that Bonaparte is not a man of great abilities? Will it be said that he has not, by his victories, thrown a splendor over even the violence of the Revolution, and that he does not conciliate the French people by the high and lofty tone in which he speaks to foreign nations? Are not the French, then, as likely as the English in the case of Cromwell to acquiesce in his government?

If they should do so, the right honorable gentleman may find that this possible predicament may fail him. He may find that though one power may make war it requires two to make peace. He may find that Bonaparte was as insincere as himself in the proposition which he made; and in his turn he may come forward and say:

"I have no occasion now for concealment. It is true that, in the beginning of the year 1800, I offered to treat, not because I wished for peace, but because the people of France wished for it; and besides, my old resources being exhausted, and there being no means of carrying on the war without 'a new and solid system of finance,' I pretended to treat, because I wished to procure the unanimous assent of the French people to this 'new and solid system of finance.' Did you think I was in earnest? You were deceived. I now throw off the mask. I have gained my point, and I reject your offers with scorn."

Is it not a very possible case that he may use this language? Is it not within the right honorable gentleman's knowledge of human nature?

But even if this should not be the case, will not the very test which you require, the acquiescence of the people of France in his government, give him an advantage-ground in the negotiation which he does not now possess? Is it quite sure that when he find himself safe in his seat he will treat on the same terms as at present, and that you will get a better peace some time hence than you might reasonably hope to obtain at this moment? Will he not have one interest less to do it? and do you not overlook a favorable occasion for a chance which is exceedingly doubtful? These are the considerations which I would urge to his Majesty's ministers against the dangerous experiment of waiting for the acquiescence of the people of France.

"If the allies of this country shall be less successful than they have every reason to expect they will be, in stirring up the people of France against Bonaparte and in the further prosecution of the war." And,

"If the pressure of the war should be heavier upon us than it would be convenient for us to continue to bear." These are the other two possible emergencies in which the right honorable gentleman would treat even with Bonaparte. Sir, I have often blamed the right honorable gentleman for being disingenuous and insincere. On the present occasion I certainly cannot charge him with any such thing. He has made to-night a most honest confession. He is open and candid. He tells Bonaparte fairly what he has to expect.

"I mean," says he, "to do everything in my power to raise up the people of France against you; I have engaged a number of allies, and our combined efforts shall be used to excite

insurrection and civil war in France. I will strive to murder you or to get you sent away. If I succeed, well; but if I fail, then I will treat with you. My resources being exhausted; even my 'solid system of finance' having failed to supply me with the means of keeping together my allies, and of feeding the discontents I have excited in France; then you may expect to see me renounce my high tone, my attachment to the house of Bourbon, my abhorrence of your crimes, my alarm at your principles; for then I shall be ready to own that, on the balance and comparison of circumstances, there will be less danger in concluding a peace than in the continuance of war!" Is this political language for one state to hold to another? And what sort of peace does the right honorable gentleman expect to receive in that case? Does he think that Bonaparte would grant to baffled insolence, to humiliated pride, to disappointment and to imbecility, the same terms which he would be ready to give now? The right honorable gentleman cannot have forgotten what he said on another occasion,

"Potuit quæ plurima virtus
Esse, fuit. Toto certatum est corpore regni."[1]

He would then have to repeat his words, but with a different application. He would have to say, "All our efforts are vain. We have exhausted our strength. Our designs are impracticable, and we must sue to you for peace."

Sir, what is the question to-night? We are called upon to support ministers in refusing a frank, candid, and respectful offer of negotiation, and to countenance them in continuing the war. Now I would put the question in another way.

[1] See Virgil's "Æneid," book xi, line 313. The words are those of the Latin king in relation to his war with Æneas:

"Valor has done its utmost: we have fought
With the embodied force of all the realm!"

Suppose that ministers had been inclined to adopt the line of conduct which they pursued in 1796 and 1797, and that to-night, instead of a question on a war address, it had been an address to his Majesty to thank him for accepting the overture, and for opening a negotiation to treat for peace: I ask the gentlemen opposite; I appeal to the whole five hundred and fifty-eight representatives of the people to lay their hands upon their hearts and to say whether they would not have cordially voted for such an address. Would they, or would they not?

Yes, sir, if the address had breathed a spirit of peace, your benches would have resounded with rejoicings, and with praises of a measure that was likely to bring back the blessings of tranquillity. On the present occasion, then, I ask for the vote of no gentlemen but of those who, in the secret confession of their conscience, admit at this instant, while they hear me, that they would have cheerfully and heartily voted with the minister for an address directly the reverse of the one proposed.

If every such gentleman were to vote with me, I should be this night in the greatest majority that ever I had the honor to vote with in this House. I do not know that the right honorable gentleman would find, even on the benches around him, a single individual who would not vote with me. I am sure he would not find many. I do not know that in this House I could single out the individual who would think himself bound by consistency to vote against the right honorable gentleman on an address for negotiation.

There may be some, but they are very few. I do know, indeed, one most honorable man in another place, whose purity and integrity I respect, though I lament the opinion he has formed on this subject, who would think himself bound, from

the uniform consistency of his life, to vote against an address for negotiation.

Earl Fitzwilliam would, I verily believe, do so. He would feel himself bound, from the previous votes he has given, to declare his objection to all treaty.

But I own I do not know more in either House of Parliament. There may be others, but I do not know them.

What, then, is the House of Commons come to, when, notwithstanding their support given to the right honorable gentleman in 1796 and 1797, on his entering into negotiation; notwithstanding their inward conviction that they would vote with him this moment for the same measure; who, after supporting the minister in his negotiation for a solid system of finance, can now bring themselves to countenance his abandonment of the ground he took and to support him in refusing all negotiations! What will be said of gentlemen who shall vote in this way and yet feel, in their consciences, that they would have, with infinitely more readiness, voted the other?

Sir, we have heard to-night a great many most acrimonious invectives against Bonaparte, against all the course of his conduct, and against the unprincipled manner in which he seized upon the reins of government. I will not make his defence. I think all this sort of invective, which is used only to inflame the passions of this House and of the country, exceedingly ill-timed, and very impolitic.

But I say I will not make his defence. I am not sufficiently in possession of materials upon which to form an opinion on the character and conduct of this extraordinary man. On his arrival in France he found the government in a very unsettled state, and the whole affairs of the Republic deranged, crippled, and involved. He thought it necessary

to reform the government; and he did reform it, just in the way in which a military man may be expected to carry on a reform. He seized on the whole authority for himself. It will not be expected from me that I should either approve or apologize for such an act.

I am certainly not for reforming governments by such expedients; but how this House can be so violently indignant at the idea of military despotism is, I own, a little singular, when I see the composure with which they can observe it nearer home; nay, when I see them regard it as a frame of government most peculiarly suited to the exercise of free opinion on a subject the most important of any that can engage the attention of a people.

Was it not the system which was so happily and so advantageously established of late all over Ireland, and which even now the government may at its pleasure proclaim over the whole of that kingdom? Are not the persons and property of the people left in many districts, at this moment, to the entire will of military commanders? and is not this held out as peculiarly proper and advantageous at a time when the people of Ireland are freely, and with unbiased judgments, to discuss the most interesting question of a legislative union? Notwithstanding the existence of martial law, so far do we think Ireland from being enslaved that we presume it precisely the period and the circumstances under which she may best declare her free opinion! Now, really, sir, I cannot think that gentlemen who talk in this way about Ireland can with a good grace rail at military despotism in France.

But it seems "Bonaparte has broken his oaths. He has violated his oath of fidelity to the constitution of the third year."

Sir, I am not one of those who hold that any such oaths

ought ever to be exacted. They are seldom or never of any effect; and I am not for sporting with a thing so sacred as an oath. I think it would be good to lay aside all such oaths. Who ever heard that in revolutions the oath of fidelity to the former government was ever regarded, or even that when violated it was imputed to the persons as a crime?

In times of revolution, men who take up arms are called rebels. If they fail, they are adjudged to be traitors; but who before ever heard of their being perjured? On the restoration of King Charles II, those who had taken up arms for the Commonwealth were stigmatized as rebels and traitors, but not as men forsworn. Was the Earl of Devonshire charged with being perjured on account of the allegiance he had sworn to the house of Stuart and the part he took in those struggles which preceded and brought about the Revolution?

The violation of oaths of allegiance was never imputed to the people of England and will never be imputed to any people. But who brings up the question of oaths? He who strives to make twenty-four millions of persons violate the oaths they have taken to their present constitution, and who desires to re-establish the house of Bourbon by such violation of their vows. I put it so, sir, because, if the question of oaths be of the least consequence it is equal on both sides! He who desires the whole people of France to perjure themselves, and who hopes for success in his project only upon their doing so, surely cannot make it a charge against Bonaparte that he has done the same!

"Ah! but Bonaparte has declared it as his opinion that the two governments of Great Britain and of France cannot exist together. After the treaty of Campo Formio he sent two confidential persons, Berthier and Monge, to the Directory, to say so in his name." Well, and what is there in this

absurd and puerile assertion, if it were ever made? Has not the right honorable gentleman, in this House, said the same thing?

In this, at least, they resemble one another! They have both made use of this assertion; and I believe that these two illustrious persons are the only two on earth who think it!

But let us turn the tables. We ought to put ourselves at times in the place of the enemy, if we are desirous of really examining with candor and fairness the dispute between us. How may they not interpret the speeches of ministers and their friends in both Houses of the British Parliament? If we are to be told of the idle speech of Berthier and Monge, may they not also bring up speeches in which it has not been merely hinted, but broadly asserted, that "the two constitutions of England and France could not exist together?"

May not these offences and charges be reciprocated without end? Are we ever to go on in this miserable squabble about words? Are we still, as we happen to be successful on the one side or the other, to bring up these impotent accusations, insults, and provocations against each other; and only when we are beaten and unfortunate, to think of treating? Oh! pity the condition of man, gracious God! and save us from such a system of malevolence in which all our old and venerated prejudices are to be done away, and by which we are to be taught to consider war as the natural state of man, and peace but as a dangerous and difficult extremity!

Sir, this temper must be corrected. It is a diabolical spirit, and would lead to an interminable war. Our history is full of instances that where we have overlooked a proffered occasion to treat we have uniformly suffered by delay. At what time did we ever profit by obstinately persevering in war? We accepted at Ryswick the terms we had refused five years

before, and the same peace which was concluded at Utrecht might have been obtained at Gertruydenberg; and as to security from the future machinations or ambition of the French I ask you what security you ever had or could have. Did the different treaties made with Louis XIV serve to tie up his hands, to restrain his ambition, or to stifle his restless spirit? At what time, in old or in recent periods, could you safely repose on the honor, forbearance, and moderation of the French government? Was there ever an idea of refusing to treat because the peace might be afterward insecure?

The peace of 1763 was not accompanied with securities; and it was no sooner made than the French court began, as usual, its intrigues. And what security did the right honorable gentleman exact at the peace of 1783, in which he was engaged? Were we rendered secure by that peace? The right honorable gentleman knows well that, soon after that peace, the French formed a plan, in conjunction with the Dutch, of attacking our India possessions, of raising up the native powers against us, and of driving us out of India; as they were more recently desirous of doing, only with this difference, that the cabinet of France formerly entered into this project in a moment of profound peace and when they conceived us to be lulled into a perfect security.

After making the peace of 1783 the right honorable gentleman and his friends went out, and I, among others, came into office. Suppose, sir, that we had taken up the jealousy upon which the right honorable gentleman now acts, and had refused to ratify the peace which he had made.

Suppose that we had said — No! France is acting a perfidious part; we see no security for England in this treaty; they want only a respite, in order to attack us again in an important part of our dominions, and we ought not to con-

firm the treaty. I ask you, would the right honorable gentleman have supported us in this refusal? I say that upon his present reasoning he ought.

But I put it fairly to him, would he have supported us in refusing to ratify the treaty upon such a pretence? He certainly ought not, and I am sure he would not; but the course of reasoning which he now assumes would have justified his taking such a ground. On the contrary, I am persuaded that he would have said, "This security is a refinement upon jealousy. You have security, the only security that you can ever expect to get. It is the present interest of France to make peace. She will keep it if it be her interest. She will break it if it be her interest. Such is the state of nations; and you have nothing but your own vigilance for your security."

"It is not the interest of Bonaparte," it seems, "sincerely to enter into a negotiation, or, if he should even make peace, sincerely to keep it." But how are we to decide upon his sincerity? By refusing to treat with him? Surely, if we mean to discover his sincerity, we ought to hear the propositions which he desires to make.

"But peace would be unfriendly to his system of military despotism." Sir, I hear a great deal about the short-lived nature of military despotism. I wish the history of the world would bear gentlemen out in this description of it. Was not the government erected by Augustus Cæsar a military despotism? and yet it endured for six or seven hundred years. Military despotism, unfortunately, is too likely in its nature to be permanent, and it is not true that it depends on the life of the first usurper.

Though half of the Roman emperors were murdered, yet the military despotism went on; and so it would be, I fear, in France. If Bonaparte should disappear from the scene, to

make room, perhaps, for a Berthier or any other general, what difference would that make in the quality of French despotism or in our relation to the country? We may as safely treat with a Bonaparte, or with any of his successors, be they whom they may, as we could with a Louis XVI, a Louis XVII, or a Louis XVIII. There is no difference but in the name. Where the power essentially resides, thither we ought to go for peace.

But, sir, if we are to reason on the fact, I should think that it is the interest of Bonaparte to make peace. A lover of military glory, as that general must necessarily be, may he not think that his measure of glory is full; and it may be tarnished by a reverse of fortune and can hardly be increased by any new laurels? He must feel that in the situation to which he is now raised he can no longer depend on his own fortune, his own genius, and his own talents, for a continuance of his success. He must be under the necessity of employing other generals, whose misconduct or incapacity might endanger his power, or whose triumphs even might affect the interest which he holds in the opinion of the French.

Peace, then, would secure to him what he has achieved and fix the inconstancy of fortune. But this will not be his only motive. He must see that France also requires a respite — a breathing interval, to recruit her wasted strength.

To procure her this respite would be, perhaps, the attainment of more solid glory, as well as the means of acquiring more solid power, than anything which he can hope to gain from arms and from the proudest triumphs. May he not, then, be zealous to secure this fame, the only species of fame, perhaps, that is worth acquiring? Nay, granting that his soul may still burn with the thirst of military exploits, is it not likely that he is disposed to yield to the feelings of the French

people and to consolidate his power by consulting their interests?

I have a right to argue in this way when suppositions of his insincerity are reasoned upon on the other side. Sir, these aspersions are, in truth, always idle and even mischievous. I have been too long accustomed to hear imputations and calumnies thrown out upon great and honorable characters, to be much influenced by them. My honorable and learned friend [Mr. Erskine] has paid this night a most just, deserved, and eloquent tribute of applause to the memory of that great and unparalleled character who is so recently lost to the world.

I must, like him, beg leave to dwell a moment on the venerable George Washington, though I know that it is impossible for me to bestow anything like adequate praise on a character which gave us, more than any other human being, the example of a perfect man; yet, good, great, and unexampled as General Washington was, I can remember the time when he was not better spoken of in this House than Bonaparte is at present.

The right honorable gentleman who opened this debate [Mr. Dundas] may remember in what terms of disdain, of virulence, even of contempt, General Washington was spoken of by gentlemen on that side of the House. Does he not recollect with what marks of indignation any member was stigmatized as an enemy to his country who mentioned with common respect the name of General Washington?

If a negotiation had then been proposed to be opened with that great man, what would have been said? Would you treat with a rebel, a traitor! What an example would you not give by such an act! I do not know whether the right honorable gentleman may not yet possess some of his old prejudices on the subject.

I hope not: I hope by this time we are all convinced that a republican government, like that of America, may exist without danger or injury to social order or to established monarchies. They have happily shown that they can maintain the relations of peace and amity with other states. They have shown, too, that they are alive to the feelings of honor; but they do not lose sight of plain good sense and discretion. They have not refused to negotiate with the French, and they have accordingly the hopes of a speedy termination of every difference. We cry up their conduct, but we do not imitate it.

At the beginning of the struggle we were told that the French were setting up a set of wild and impracticable theories, and that we ought not to be misled by them; that they were phantoms with which we could not grapple.

Now we are told that we must not treat, because, out of the lottery, Bonaparte has drawn such a prize as military despotism. Is military despotism a theory? One would think that that is one of the practical things which ministers might understand, and to which they would have no particular objection. But what is our present conduct founded on but a theory, and that a most wild and ridiculous theory?

For what are we fighting? Not for a principle; not for security; not for conquest; but merely for an experiment and a speculation, to discover whether a gentleman at Paris may not turn out a better man than we now take him to be.

My honorable friend [Mr. Erskine] has been censured for an opinion which he gave, and I think justly, that the change of property in France since the Revolution must form an almost insurmountable barrier to the return of the ancient proprietors.

"No such thing," says the right honorable gentleman,

"nothing can be more easy. Property is depreciated to such a rate that the purchasers would easily be brought to restore the estates."

I think differently. It is the character of every such convulsion as that which has ravaged France that an infinite and undescribable load of misery is inflicted upon private families. The heart sickens at the recital of the sorrows which it engenders.

The Revolution did not imply, though it may have occasioned, a total change of property; the restoration of the Bourbons does imply it; and such is the difference. There is no doubt but that if the noble families had foreseen the duration and the extent of the evils which were to fall upon their heads, they would have taken a very different line of conduct; but they unfortunately flew from their country.

The King and his advisers sought foreign aid, and a confederacy was formed to restore them by military force. As a means of resisting this combination the estates of the fugitives were confiscated and sold. However compassion may deplore their case, it cannot be said that the thing is unprecedented. The people have always resorted to such means of defence.

Now the question is, how this property is to be got out of their hands. If it be true, as I have heard it said, that the purchasers of national and forfeited estates amount to one million and a half of persons, I see no hopes of their being forced to deliver up their property; nor do I even know that they ought. I doubt whether it would be the means of restoring tranquillity and order to a country, to attempt to divest a body of one million and a half of inhabitants, in order to reinstate a much smaller body. I question the policy, even if the thing were practicable; but I assert that such a body of

new proprietors forms an insurmountable barrier to the restoration of the ancient order of things. Never was a revolution consolidated by a pledge so strong.

But, as if this were not of itself sufficient, Louis XVIII, from his retirement at Mittau, puts forth a manifesto in which he assures the friends of his house that he is about to come back with all the powers that formerly belonged to his family. He does not promise to the people a constitution which might tend to conciliate their hearts; but, stating that he is to come with all the old régime, they would naturally attach to it its proper appendages of *bastilles*, *lettres de cachet*, *gabelle*, etc.; and the *noblesse*, for whom this proclamation was peculiarly conceived, would also naturally feel that if the monarch was to be restored to all his privileges they surely were to be reinstated in their estates without a compensation to the purchasers. Is this likely to make the people wish for the restoration of royalty? I have no doubt but there may be a number of Chouans in France, though I am persuaded that little dependence is to be placed on their efforts. There may be a number of people dispersed over France, and particularly in certain provinces, who may retain a degree of attachment to royalty; how the government will contrive to compromise with that spirit I know not.

I suspect, however, that Bonaparte will try. His efforts have been already turned to that object; and, if we may believe report, he has succeeded to a considerable degree. He will naturally call to his recollection the precedent which the history of France itself will furnish.

The once formidable insurrection of the Huguenots was completely stifled, and the party conciliated, by the policy of Henry IV, who gave them such privileges, and raised them so high in the government, as to make some persons appre-

hend danger therefrom to the unity of the empire. Nor will the French be likely to forget the revocation of the edict; one of the memorable acts of the house of Bourbon, which was never surpassed in atrocity, injustice, and impolicy by anything that has disgraced Jacobinism.

If Bonaparte shall attempt with the Chouans some similar arrangement to that of Henry IV, who will say that he is likely to fail? He will meet with no great obstacle to success from the influence which our ministers have established with the chiefs, or in the attachment and dependence which they have on our protection. For what has the right honorable gentleman told them, in stating the contingencies in which he will treat with Bonaparte? He will excite a rebellion in France. He will give support to the Chouans, if they can stand their ground; but he will not make common cause with them; for, unless they can depose Bonaparte, send him into banishment, or execute him, he will abandon the Chouans and treat with this very man whom at the same time he describes as holding the reins and wielding the powers of France for purposes of unexampled barbarity.

Sir, I wish the atrocities of which we hear so much, and which I abhor as much as any man were indeed unexampled. I fear that they do not belong exclusively to the French. When the right honorable gentleman speaks of the extraordinary successes of the last campaign, he does not mention the horrors by which some of these successes were accompanied. Naples, for instance, has been, among others, what is called "delivered"; and yet, if I am rightly informed, it has been stained and polluted by murders so ferocious, and by cruelties of every kind so abhorrent, that the heart shudders at the recital.

It has been said, not only that the miserable victims of the

rage and brutality of the fanatics were savagely murdered, but that in many instances their flesh was eaten and devoured by the cannibals who are the advocates and the instruments of social order!

Nay, England is not totally exempt from reproach, if the rumors which are circulated be true. I will mention a fact, to give ministers the opportunity, if it be false, to wipe away the stain that it must otherwise affix on the British name. It is said that a party of the republican inhabitants of Naples took shelter in the fortress of the Castel de Uovo.

They were besieged by a detachment from the royal army, to whom they refused to surrender; but demanded that a British officer should be brought forward, and to him they capitulated. They made terms with him under the sanction of the British name. It was agreed that their persons and property should be safe, and that they should be conveyed to Toulon. They were accordingly put on board a vessel; but, before they sailed, their property was confiscated, numbers of them taken out, thrown into dungeons, and some of them, I understand, notwithstanding the British guarantee, actually executed.

Where then, sir, is this war, which on every side is pregnant with such horrors, to be carried? Where is it to stop? Not till we establish the house of Bourbon! And this you cherish the hope of doing because you have had a successful campaign. Why, sir, before this you have had a successful campaign. The situation of the allies, with all they have gained, is surely not to be compared now to what it was when you had taken Valenciennes, Quesnoy, Condé, etc., which induced some gentlemen in this House to prepare themselves for a march to Paris. With all that you have gained, you surely will not say that the prospect is brighter

now than it was then. What have you gained but the recovery of a part of what you before lost?

One campaign is successful to you; another to them; and in this way, animated by the vindictive passions of revenge, hatred, and rancor, which are infinitely more flagitious, even, than those of ambition and the thirst of power, you may go on forever; as, with such black incentives, I see no end to human misery.

And all this without an intelligible motive. All this because you may gain a better peace a year or two hence! So that we are called upon to go on merely as a speculation. We must keep Bonaparte for some time longer at war, as a state of probation.

Gracious God, sir! is war a state of probation? Is peace a rash system? Is it dangerous for nations to live in amity with each other? Are your vigilance, your policy, your common powers of observation, to be extinguished by putting an end to the horrors of war? Cannot this state of probation be as well undergone without adding to the catalogue of human sufferings? "But we must pause!"

What! must the bowels of Great Britain be torn out — her best blood be spilled — her treasure wasted — that you may make an experiment? Put yourselves, oh! that you would put yourselves in the field of battle and learn to judge of the sort of horrors that you excite!

In former wars a man might, at least, have some feeling, some interest, that served to balance in his mind the impressions which a scene of carnage and of death must inflict. If a man had been present at the battle of Blenheim, for instance, and had inquired the motive of the battle, there was not a soldier engaged who could not have satisfied his curiosity and even, perhaps, allayed his feelings. They were fighting, they

knew, to repress the uncontrolled ambition of the Grand Monarch. But if a man were present now at a field of slaughter, and were to inquire for what they were fighting — "Fighting!" would be the answer; "they are not fighting; they are pausing."

"Why is that man expiring? Why is that other writhing with agony? What means this implacable fury?"

The answer must be, "You are quite wrong, sir, you deceive yourself — they are not fighting — do not disturb them — they are merely pausing! This man is not expiring with agony—that man is not dead—he is only pausing! Lord help you, sir! they are not angry with one another; they have now no cause of quarrel; but their country thinks that there should be a pause. All that you see, sir, is nothing like fighting — there is no harm, nor cruelty, nor bloodshed in it whatever: it is nothing more than a political pause! It is merely to try an experiment — to see whether Bonaparte will not behave himself better than heretofore; and in the meantime we have agreed to a pause, in pure friendship!"

And is this the way, sir, that you are to show yourselves the advocates of order? You take up a system calculated to uncivilize the world—to destroy order—to trample on religion—to stifle in the heart, not merely the generosity of noble sentiment, but the affections of social nature; and in the prosecution of this system you spread terror and devastation all around you.

Sir, I have done. I have told you my opinion. I think you ought to have given a civil, clear, and explicit answer to the overture which was fairly and handsomely made you. If you were desirous that the negotiation should have included all your allies, as the means of bringing about a general peace, you should have told Bonaparte so. But I believe you were

afraid of his agreeing to the proposal. You took that method before.

Aye, but you say the people were anxious for peace in 1797. I say they are friends to peace now; and I am confident that you will one day acknowledge it. Believe me, they are friends to peace; although by the laws which you have made, restraining the expression of the sense of the people, public opinion cannot now be heard as loudly and unequivocally as heretofore. But I will not go into the internal state of this country. It is too afflicting to the heart to see the strides which have been made, by means of and under the miserable pretext of this war, against liberty of every kind, both of power of speech and of writing; and to observe in another kingdom the rapid approaches to that military despotism which we affect to make an argument against peace. I know, sir, that public opinion, if it could be collected, would be for peace as much now as in 1797; and that it is only by public opinion, and not by a sense of their duty or by the inclination of their minds, that ministers will be brought, if ever, to give us peace.

I conclude, sir, with repeating what I said before: I ask for no gentleman's vote who would have reprobated the compliance of ministers with the proposition of the French government. I ask for no gentleman's support to-night who would have voted against ministers if they had come down and proposed to enter into a negotiation with the French. But I have a right to ask, and in honor, in consistency, in conscience I have a right to expect, the vote of every honorable gentleman who would have voted with ministers in an address to his Majesty diametrically opposite to the motion of this night.

MIRABEAU

THE COMTE DE MIRABEAU, born in 1749, is the most eloquent orator of the French Tribune. His life was one long, continuous storm. For a boyish escapade, his father had him incarcerated in a prison. This punishment caused him to rebel against paternal authority, and even more against arbitrary power, but did not have the effect of correcting him. Grave misdeeds brought down on his head new punishments; open and public enmity existed between father and son. Mirabeau spent several years of his life in prison. It was there that he gave himself up to that passion for study which proved to be at least as strong as his love of pleasure. Several works in favor of liberty and the rights of mankind were the result of his enforced leisure; these works swept away at least a part of the contempt which his vices had drawn down on his head. His successive sojourns in Prussia and in England served to ripen his ideas; and, when the French Revolution broke out, he took up arms, prepared to defend in the tribune the liberty in favor of which he had written so much. Deputy from Provence at the National Assembly, he there exercised, by the force of his eloquence, an extraordinary ascendency. Well informed by his arduous studies, he saw better than others the point at which reforms ought to stop. But, at the moment in which he was engaged in retarding a movement which he himself had contributed so much to accelerate, he died in 1791, leaving the Revolution without a counterpoise. His death was regarded as one of the misfortunes of that epoch.

SPEECH ON THE ABOLITION OF THE SLAVE TRADE IN THE FRENCH COLONIES

I AM ABOUT to plead the cause of a race which, endowed with a fatal pre-eminence among the wretched of the world, running in but few years the gamut of human sorrow, lives, suffers and dies slaves of the most detestable tyranny whose crimes have ever been recounted by history.

You are ere this aware that I speak of the slaves of

America. I will dishonor neither this honorable body nor myself by seeking to prove that the negro has the right to his liberty; that question you have already decided, since you have declared that all men are born and remain free and equal before the law, and it is not on this side of the Atlantic that corrupt royalists would have the audacity to argue that negroes are not human beings.

If, in consonance with these principles solemnly proclaimed throughout the length and breadth of Europe, the negroes dwelling in our islands, men like ourselves, have an incontestable right to their liberty, how happens it that this Assembly has not as yet broken down the relation of master and slave throughout the French Empire?

It is important that France abolish slavery, not only that her acts may be in conformity with the principles of liberty which she has proclaimed and the constitutional consequences of which she is engaged in organizing, but also, if interests of the gravest moment are to be subserved, that the great duties which ordinary foresight would counsel may be performed.

As a matter of fact, would it be possible to conceal from the nations of the earth this revolution which is your glory? Will not the proclamation of the rights of man reverberate over all parts of the globe? Will not the news be gradually spread that in France all men are governed by equal laws? And, when the wisdom of your constitution shall be patent to the whole world, will there be a power on earth mighty enough to prevent liberty from becoming the aim and ambition of every nation. Guided by our example will they not, soon or late, shake off and shatter the fetters with which their limbs are bruised?

If these results of the French Revolution are soon or late inevitable, will a multitude of enslaved men be the sole and motionless witnesses, the resigned victims, of the exclusive privilege of liberty? Would they not desire to either conquer it or that it be surrendered to them? Can the spectacle be veiled from their sight? can they henceforward be deprived of reason and of reflection as they are now deprived of their liberty? Will the whites always be able, by their own unaided efforts, to maintain the *régime* that you have broken down? How far can they go before they will have reached the bounds of the shameless parody they are now making of it? Will they transform the customs and the duties of free men into the mysteries of religious rites? Are they going to set aside certain localities and certain days when liberty might be exercised?

No, you will think for those who have not the ability to think for themselves; you will rise superior to the interests of which prejudice and ignorance have but a faint conception, and you will perceive that, in order to avert horrible carnage and safeguard your colonies, it will from this time forth be necessary to prepare the blacks for the enjoyment of a blessing for which no man is indebted to his fellow, but which is the universal heritage of humanity.

But let us suppose that the tyrants, without themselves running the slightest risk in the colonies, have sufficiently potent agencies to keep the negroes in their present status of beasts of burden. Let us suppose that they can exercise over their slaves the most frightful despotism, and, at the same time, cherish a Constitution which breathes nothing but liberty. . . . I need hardly tell you that this odious contrast is revolting to the reason. I will not en-

deavor to demonstrate to you how frightful it is that men should regard their own liberty as the first of blessings and at the same time burden an unfortunate race with the yoke of servitude. But I will maintain that, in exercising such a domination, the whites of the colonies will contract or rather perpetuate manners, habits and principles which they will eventually bring back to the bosom of the mother country, to which they ever have a tendency to return, to which, in fact, they are continually returning. The influence of these manners and habits, sentiments and principles upon our very liberties, it is to our interest to examine with the utmost prudence.

[Mirabeau then enters into a discussion of the motives which inspired the defenders of the slave trade and of slavery to offer strenuous opposition to the opinions which had for their aim the immediate suppression of the former and the gradual abolition of the latter.]

These objections are of two kinds: Some have relation to the blacks themselves, others are founded on various political and financial interests of France.

Let us begin with the question-in-chief, that is to say with the arguments which apply only to the blacks. We do not assert, say their executioners or the defenders of their executioners, that the slave trade is just; but—1st. It rescues them from the much worse condition which war or captivity would cause them to undergo in their own country. 2d. The trade is not carried on in an inhuman manner. 3d. The negroes are not unhappy in the colonies, and certainly not more so than laborers in our climate, nor, for example, than the major portion of our peasantry. 4th It is necessary, moreover, to choose between the main-

tenance of the slave trade and the ruin of the colonies, for these cannot be cultivated except by the blacks; and, as they do not multiply with sufficient rapidity, it is only by the slave trade that the deficiency in their numbers can be supplied. 5th. The labors and sufferings of the black slaves are exaggerated, and they are, in reality, so much less objects of commiseration as their masters have, if for no other reason, a pecuniary interest in taking the best care of their welfare. 6th. Finally, laws and regulations might be framed for the benefit of the blacks, if their situation really demands the aid of legislative authority, which is doubtful.

[Mirabeau enters into and refutes these objections by means of arguments which, while very cogent, were at the same time extremely eloquent. Of this one may judge for himself by the following passages:]

You have observed that the second contention of our adversaries is that the slave trade is not an inhuman form of commerce.

In order that you may judge of this matter with a thorough understanding of the facts, read the report on this subject made in England to the Privy Council and at the bar of Parliament. The authenticated abstracts of slave-carrying vessels leaving Liverpool and Bristol prove that, during a period of ten years, Great Britain annually exported more than a hundred thousand negroes, and that, of these, at least a fifth perished before reaching their destination. Thus, out of a hundred men carried off from Africa, twenty die immediately! And, in a single branch of this monstrous commerce, twenty thousand blacks annually meet their doom! What is the cause of this dreadful

mortality? I will tell you, O philanthropic colonists, who pretend to regard slavery as a blessing. The cause is that to the horror of a captivity which is to end only with death is added, in the enforced journey of the negroes, the pangs of hunger, disease, lack of water, lack of air. And this commerce is not inhuman!

Let us pass over the devastations, the conflagrations, pillage to which the African coasts have had to be delivered over in order to collect, at infinite trouble and expense, the small number of blacks who survive capture; let us pass over those who, during the voyage, die by their own hand or who perish in mutinies incited by despair. Can you picture to yourselves what is meant by that voyage of two thousand, sometimes three thousand leagues? Behold a model of a vessel crowded with these unfortunates, and try, if you can, not to turn away your eyes. How packed they are one upon another! How they are stifled between decks. Unable to hold themselves upright, even in a sitting posture, they are forced to bow their heads; nay, more, they are unable to move their limbs, which are tightly bound, nor even their bodies; for, compelled to submit to all the necessities, to all the evils of him who shares his chains, each man is fastened to another, some to a dying man, some to a corpse! See how the ship as it rocks bruises them, mutilates them, breaks the bones of one against the other, tears their flesh with their own fetters, and in a single picture presents to view a thousand torments! When they lay down to sleep, the place is filled to its utmost capacity; and the insensate cupidity which would rescue them has not even foreseen that no passage was left and that, to pass through, it would be necessary to stamp underfoot these bodies, that,

though still living, have endured all the torments of death. Have they at least pure air enough? Let us try to form an estimate! A space a little less than six feet in length by a little more than one foot in width is the foundation of a column of air the shortest which would possibly suffice for the respiration of each. This air is very soon vitiated and afterward barely renewed by narrow openings, the doors of which are often slammed to by rough weather, rain, a hundred occurrences of various nature, and, as a result, is quickly poisoned. But why should they receive a fresh supply? Why should it be pure? Was it not also necessary to speculate on this prime necessary of life? O the unfortunates! I can see them! I can hear them! Their dry respiration, their tongues burning and hanging from their mouths, their agony might be pictured but can never be expressed. How they huddle together! How they glue themselves to the bars of their cage! How they try to pump in even the rays of heat in the hope of refreshing themselves an instant!

Listen to their shrieks! See the last struggles of these poor wretches being slowly strangled to death! At last all is silence. That air portioned off by barbarity, that air laden with anguish, despair and blood, is no longer anything but a death-dealing atmosphere impregnated with mephitical and pestilential exhalations. And the death of half of these victims is going to make room for others. Let us follow in the wake of this vessel, or rather this long floating bier, as it traverses the seas which separate the two worlds. The unfortunate who sees his companion perishing tries in vain to refrain from jostling him, the only way in which it is possible for him to save him from

his fate. Often, for longer than the period of a whole day, he is even unaware that he is bound to what is now but a corpse. Day by day is witnessed, as a mere common episode, torments which have made of their inventor the type of the most hideous of tyrants. The horrible floating dungeon grows more and more depleted; negroes and sailors fall alike victims of that dread harvest; evils of the most hideous nature, one giving rise to another, cheat by their ravages the very avarice which has bred them, the avarice which has acquired the gold to purchase men, but could spare none to purchase air. And this commerce is not inhuman!

But would it not be possible to prevent these frightful occurrences by crowding fewer negroes on each vessel? No, the trade, in that case, would become impracticable; the slave dealer would violate some atrocious and stupid regulation; he would be unable to turn to good profit this commerce so hazardous unless he piled up the negroes as he would mere cargo. These wretches, who in this world are considered sometimes as men and sometimes as beasts, do not appear, as they are conveyed for transportation, to be anything but inanimate beings, veritable ballast, *utile pondus*. Human cupidity takes pleasure in compelling them to traverse all the realms of nature. And this commerce is not inhuman!

Satisfied in having subdued by their inhumanity the slaves in their unwilling voyage, do their guards pardon the attempts they too often make in vain to take refuge in death or to win their liberty? No, this sense of justice, sometimes met with in souls of the greatest ferocity, is dulled by the inexorable cupidity of these agents. All the slave-carrying ships abound in instruments of torture

—torture that has for its aim not the infliction of death but the prolongation of life. And, would you believe it, the purpose of one of these instruments is to force nourishment on slaves who wish to die. Thus are they compelled to prolong their life and their misery. And this commerce is not inhuman!

But I am mistaken: occasionally the negroes owe the boon of death to their guards. Every slave-carrying vessel is provided with a supply of poison. It is useful in the event of mutinies. It is necessary if perchance the vessel should be becalmed, since avarice has apportioned the measure of food as it has that of air. By means of poison the crew is delivered from the impetuous slave whom neither fetters nor guards have been able to subdue, and whose generous example might incite his fellow slaves to revolt, to vengeance. When, at length, the time approaches when the crew is threatened with scarcity of food and water, recourse is had to poison. Ah! you shudder! The fact is nevertheless beyond dispute; it is admitted; it is incontestable; it is an indispensable part of the business. You have been asked to legalize murder, brigandage, and the atrocities to which they give birth. It is but left for you to also legalize killing by poison, for without it the traffic in slaves cannot be maintained. And this commerce is not inhuman!

It is equally inhuman on the part of the principals in this traffic as on the part of their subordinates, and if your avenging pity is moved by these words, which would forebode a well-deserved punishment, be careful to make no mistake. The sailors are almost as innocent as their human prey. Does there exist a traffic more barbarous than that in which it is necessary to seduce the agent by a

large advance of money, by the excitements of debauchery and by all sorts of odious expedients? However, it is only by this means that they are able in England to gather a crew to man a slave-carrying ship; it is only in this way that they succeed in enrolling sailors who are already victims of their necessities. And, later on, it is by means of the bad treatment they are forced to endure on board that they are brought to the point of submission to all the nameless deeds perpetrated in the course of such an odious enterprise. The captain who commands them is nearly always a hard and cruel man. It is very necessary that he should be, since he voluntarily devotes himself to the frightful trade of trafficking in the blood of men. He rules as a tyrant over his crew as well as over his human cargo. He obliges his sailors to row to the shore in scouting boats for the purpose of receiving the slaves who have been carried off. This horrible man-hunt, these robberies, this murderous traffic in stolen human goods, cannot be undertaken except during the darkness of night. Its excessive coolness, following as it does in the tropic of Cancer close upon the merciless heat of the day, often strikes the sailors with blindness even before they are able to regain their ship. Thus have these innocent agents to undergo slow tortures by reason of a conspiracy for which they expiate the crime, without having enjoyed, or being destined to enjoy, the profits of the crime. In a word, the guilt is not that of the sailors, it is that of their masters. Moreover, the fate of these seamen is very often but little different from that of their victims, contact with whom on the same vessel not rarely infects them with most hideous diseases, and sometimes even results in death.

These facts, and many others which I might cite, too

well attest the execrable inhumanity of the traffic and its monstrous consequences.

[Mirabeau ends with this eloquent adjuration:]

I have demonstrated that the political and commercial interests of France demand the gradual enfranchisement of the negroes; that the abolition of the slave trade can alone bring about that result without shock, without a catastrophe. In decreeing its abolition, you will render supportable the fate of thousands of men whose existence to-day covers with opprobrium and stamps with the seal of crime the rest of the human species. Once assure to them the prospect of the possession of property, and they will soon learn the need of economy, which is always the result of such proprietorship, and in time practice the social virtues which it favors or rather engenders. Thus would their labors, continuously carried forward, and spurred on by kindly sentiments, reasonable incentives and just hopes, be less costly and more productive. By this system of moderation and humanity, the colonists themselves would learn to detest tyranny as a needless crime. They would thus gradually accommodate themselves to public liberty and they would be no less in need of this beneficent apprenticeship than the negroes would stand in need of that of personal liberty.

Were you simply wise administrators, it would be indispensable that you should recognize and proclaim these truths of plain political economy; but you are legislators, you are the trustees of the morals and honor of the nation, as well as of its rights and powers; and when the most imperious duties, when the principles of the Constitution, to uphold which you are met under oath, leave you neither

choice, nor permit of delay or pretext; you, into whose souls the boldest reforms, beset as they often were with the most perplexing difficulties, have not struck terror, could you hesitate to be but just? Would the Assembly which, with so much courage, destroyed the aristocracy whose yoke had subjected France to humiliation, sanction an aristocracy a thousand times more odious which oppresses the West Indies? After having abolished offensive privileges, would it reconsecrate them in their most iniquitous application? After having declared, by pronouncing anathema against the feudal system, that no man, even for simple interests of land-ownership, could be under the sway of another; after having done everything for the cause of freedom; shall the brand of the Assembly, the national seal, the triple seal of the nation, the king and the law, be stamped on the fetters of the African? Shall the detestable privilege of oppressing the feeble, the ignorant, the poor, be the only one which it respects? And, after having looked upon illustrious birth, immense landed possessions, services to the country, and even a long line of royal ancestors, as empty titles, will it nevertheless be willing to regard the color of the skin as a legitimate title to tyranny? No, it cannot be possible! The hesitation of an instant on a proposition of this nature would be an outrage. I leave to others the insensate courage to propose it, and the shameful hope of being applauded for it.

I ask nothing more than that we abolish the infamous traffic in slaves. But is it necessary that I should inquire when we are going to abolish it when a year's delay would authorize a continuance of the assassinations going on in Africa and condemn millions of men to slavery? Does the

long continuance of this most cruel of evils give the right to prolong them indefinitely? Could delay be regarded as aught else than a toleration of the crimes? To hesitate now, would it not in truth be to decide? The slave-traders, the armed Africans who make war for the purpose of making prisoners that they might sell them—will they hesitate? The despots who condemn innocent men, the barbarians who cut the throats of babes that they might sell their mothers—will they hesitate? Representatives of the French people, do not allow the sacred fire to be extinguished in your hand! Do not permit so auspicious an occasion to go by to appease national hatreds. Establish upon the eternal and immovable foundation of the interests of mankind the alliance of the two principal peoples of Europe, and let them order that henceforth peace reign over the whole world instead of dyeing it with bloodshed by tearing each other to pieces! Let this glorious system be your pious policy! It is alone vast enough to conciliate all, to repress all. This it is which, causing to disappear not the rivalries of commerce, but its absurd hatreds, will confide to the paternal and vigilant care of France and England the liberties of the two hemispheres. It will imitate in the case of the human species that First Cause which silently rules the universe, and which, giving to the grand total a uniform impulse, nevertheless leaves immense latitude to the operation of secondary causes.

Representatives of the French people, you are worthy of the attainment of that dignity. Show all the nations of the universe the real spirit of our Revolution, which fills them with astonishment, which stirs them, which excites all their sympathies, but which should also instruct them by its examples of generosity and virtue, so much the more

necessary for the reason that everywhere blind prejudice, ignorance, or the interested hatred of aristocratic pride, by spreading calumny broadcast, sow the seeds of mistrust. Prove to the universe that, if auspicious circumstances have proved favorable to your noble and rapid conquests over tyranny, they are, above all, due to the inspirations of philanthropy, your zeal, your intelligence, your calm courage and your ardent perseverance. Be the defenders of suffering humanity, of Jamaica as of San Domingo, of your own colonies as of those of other European States! Your decree, awaited by the negro in his hammock, is his only hope of deliverance from his misery. Dry by a word the tears of these unfortunates! Make them better men by giving them the hope of one day being happier! Like unto the gods, harken unto all just prayers! Spread, at the same time, over all climes the regenerating influence of peace and freedom, and may the restorers of France bring the blessings of liberty to all the peoples of the world!

SPEECH ON NECKER'S FINANCIAL PROJECT

SEPTEMBER 26 AND OCTOBER 2, 1789

GENTLEMEN,—In the midst of so much tumultuous debate can I not restore the deliberation of the day by asking a few very simple questions?

Condescend, gentlemen, condescend to reply.

Has not the First Minister of Finances presented the most frightful picture of our present situation?

Has he not told you that any delay aggravates the danger?—that a day, an hour, a moment may make it fatal?

Have we any plan to substitute for the one he proposes? "Yes," someone has cried in the Assembly. I implore him who answers "yes" to consider that his plan is not known, that time is required to develop it, to examine it, to demonstrate it; that, were it immediately submitted to our deliberation, its author might be mistaken; that, were it exempt from all error, one might believe him to be mistaken; that when everybody is wrong, everybody is right; that therefore it is possible that the author of this other project, even though he may be right, may be wrong as opposed to every one, since without the assent of public opinion the greatest talent cannot triumph over circumstances. . . . As for myself I do not believe M. Necker's means to be the best possible; but heaven preserve me, in a situation so critical, from placing my opinions in opposition to his. I should offer them as preferable in vain: one does not rival in a moment such a prodigious popularity, gained by brilliant services, by long experience, the well-known financier's reputation for the highest talent, and, if it must be said, a destiny such as has fallen to the lot of no other mortal.

But we must return to M. Necker's plan.

Have we the time to examine it, to sound its bases, to verify its calculations? . . . No, no, a thousand times no. Insignificant questions, chance conjectures, untrustworthy gropings, these are all that are in our power at this moment. What shall we accomplish then by deferring deliberation?—miss the decisive moment, provoke our self-love to change something to an ensemble we have not even conceived, and by our indiscreet intervention diminish the influence of a minister whose reputation as a financier is and ought to be greater than ours? . . . Gentlemen, there is neither wisdom nor foresight in this; . . . is there even good faith?

Oh! if less solemn declarations did not guarantee our respect for the public faith, our horror of the infamous word "bankruptcy," I should dare scrutinize our own secret motives, of which, perhaps, alas! we are ignorant, which make us so imprudently recoil at the moment of proclaiming the act of a great devotion, surely inefficacious, if it be not swift and truly spontaneous. I should say to those who have accustomed themselves to the idea of neglecting public engagements, through fear of excessive sacrifices, through terror of taxation, . . . What is bankruptcy if it is not the most cruel, the most iniquitous, the most unjust, the most disastrous of taxes? . . . My friends, listen to one word, one single word.

Two centuries of depredations and robbery have hollowed out the abyss which is ready to swallow up the kingdom. This frightful abyss must be heaped full. Well! here is the list of French proprietors. Choose among the richest in order to sacrifice the citizens less. But choose: for must not a small number perish to save the mass of the people? Well, then. These two thousand notables possess enough to make up the deficit. Bring back order into your finances, peace and prosperity into the kingdom. Strike, sacrifice without pity these sad victims, hurl them into the abyss; it will be closed. . . . You recoil with horror. . . . Inconsistent, faint-hearted men! What! Do you not see, then, that by decreeing bankruptcy, or, what is more odious still, by making it inevitable without the decree, you defile yourselves with an act a thousand times more criminal and, incomprehensible to relate! gratuitously criminal?—for, after all, this horrible sacrifice would at least put an end to the deficit. But, do you believe, because you will not have paid, that you will no longer owe anything? Do you believe that the thousands, the millions of men who will lose in one moment, by the terrible explosion or by its

results, all the consolation of their lives, and perhaps their sole means of support, will let you peacefully enjoy your crime? Stoic contemplators of the incalculable evils that this catastrophe will vomit upon France; impassive egoists, who think that these convulsions of despair and misery will pass like so many others, and all the more swiftly because they will be more violent, are you very sure that so many men without bread will let you calmly relish the viands the number or delicacy of which you will not have diminished? . . . No, you will perish; and in the universal conflagration that you have not shuddered to kindle, the loss of your honor will not save a single one of your detestable pleasures.

That is where we are marching. . . . I hear patriotism spoken of, outbursts of patriotism, invocations to patriotism. Ah! do not prostitute these words, "country" and "patriotism." So the effort to give a portion of one's revenue to save all that one possesses is very magnanimous! Ah! gentlemen, that is only simple arithmetic; and he who will hesitate can only disarm indignation by the scorn which his stupidity ought to inspire. Yes, gentlemen, it is the most ordinary prudence, the most trivial wisdom, it is your grossest interests that I invoke. I say no more to you than I have already said: Will you be the first to give to the nations the spectacle of a people assembled to break the public faith? I say no more to you. Ah! what titles have you to liberty, what means will you have left to maintain it if from your first step you surpass the baseness of the most corrupt governments; if the need of your co-operation and your supervision is not the pledge of your constitution? . . . I tell you: you will all be involved in the universal ruin; and the first interested in the sacrifice which the government asks of you is yourselves.

Vote then for this extraordinary subsidy. . . . And may

it be sufficient! Vote for it, because if you have doubts about the means (vague, dim doubts), you have none concerning the necessity and our helplessness to find a substitute for it, at least immediately. Vote for it, because the public circumstances allow no delay, and we should be accountable for all hesitation. Beware of asking for time; misfortune never grants any. . . . Ah! gentlemen, in regard to a ridiculous motion of the Palais Royal, a laughable insurrection which never had any importance save in the feeble imaginations or the perverse designs of a few faithless men, you have lately heard these mad words: Catiline is at the gates of Rome, and the people deliberate. Surely, around us there has been neither Catiline, nor dangers, nor factions, nor Rome. . . . But to-day bankruptcy, hideous bankruptcy is there; it threatens to consume you, your property, your honor . . . and you deliberate!

[Specially translated by Helen B. Dole.]

ON THE ACCUSATION OF IMPLICATION IN THE INSURRECTION OF OCTOBER 5, 1789

DELIVERED OCTOBER 2, 1790

I DO not mount this tribune to defend myself. The object of ridiculous accusations, not one of which has been proved, and which would establish nothing against me even if each one should be proved, I do not regard myself as accused; for if I believed that a single man of sense (I except the small number of enemies whose outrages I esteem an honor) could believe me accusable I should not defend myself in this Assembly. I should wish to be judged; and as your jurisdiction is limited to deciding whether I ought or

ought not to be submitted to a trial, there is nothing left for me but to make a demand upon your justice and solicit a favor of your benevolence, that would be a tribunal.

But I cannot doubt your opinion; and if I present myself here it is in order not to miss a solemn occasion to clear facts which my profound scorn for libels, and my possibly too great indifference to calumnious reports, have never allowed me to attack outside of this Assembly; which, however, sanctioned by malevolence, might cause some strange suspicions of partiality to reflect upon those who believe they ought to absolve me. What I disdained when it concerned myself alone, I must closely scrutinize when I am attacked in the bosom of the National Assembly and as forming a part of it.

The explanations I am going to give, although they will doubtless appear very simple to you, since my witnesses are in this Assembly, and my arguments in the series of the most common combinations, offer, however, to my mind, I should say, a very great difficulty.

It is not to repress the just resentment which has weighed upon my heart for a year past, and to which at last I am forced to give vent. In this affair scorn is apart from hatred; it blunts it, it dulls it; and where is the soul so cast down that an opportunity for pardon does not seem to it a pleasure?

It is not even the difficulty of speaking of the tempests of a just revolution without recalling that if the throne has wrongs to excuse, national clemency has had plots to put into oblivion; for since in the bosom of the Assembly the King has come to espouse our stormy revolution, this magnanimous will, by forever effacing the deplorable appearances which perverse counsellors have given till then to the first citizen of the empire, has it not equally blotted out the more false appearances which the enemies of the public welfare have tried to find in the

popular movements, and the revival of which seems to have been the first object of the procedure of the Châtelet?

No, the real difficulty of the subject is entirely in the very history of the procedure. That history is profoundly odious. The annals of crime offer few examples of villainy so shameless and at the same time so unskilful. Time will know it; but the hideous secret cannot be revealed to-day without producing great trouble. Those who gave rise to the procedure of the Châtelet made the horrible combination so that if success escaped they would find in the very patriotism of him whom they wished to sacrifice the guarantee of their impunity. They felt that the public spirit of the offended would turn to his ruin or save the offender. . . . It is very hard thus to leave to intriguers a part of the salary on which they themselves had counted! But the country demands this sacrifice; and surely it has a right to still greater ones.

I will speak to you then only of facts which are purely personal to me; I will isolate them from all their surroundings; I give up explaining them except in themselves and by themselves; I give up, to-day at least, examining the contradictions of the procedure and its various readings, its episodes and its obscurities, its superfluities and its reticences; the fears that it has given to the friends of liberty, and the hopes it has lavished among its enemies; its secret aim and its apparent course, its momentary and its future success; the terror with which they desired to inspire the throne, perhaps the recognition they wished to obtain from it. I will not examine the conduct, the discourses, the silence, the movements, the repose of any actor in this great and tragic scene; I will content myself with discussing the three principal charges made against me, and with giving the answer to an enigma which your committee has believed it ought to keep secret, but which it is my honor to divulge.

If I were compelled to grasp the procedure as a whole, when a few shreds torn from it are sufficient for me; if I had to organize a great work for an easy defence, I should first establish that, as it concerned an accusation of complicity against me, and as this pretended complicity was not relative to the individual excesses which might have been committed, but to the cause of these excesses, it ought to be proved against me that there exists a prime mover in this affair; that the prime mover is the one against whom the procedure is principally directed, and that I am his accomplice. But as this course has not been employed against me in the accusation I am not at all obliged to follow it in my defence. It is sufficient for me to examine the witnesses, such as they are; the charges, such as are laid against me; and I shall have said everything when I have discussed three principal facts, since the triple malignity of the accusers, of the witnesses and judges, has been able neither to furnish nor acquire anything further from them.

I am accused of having run through the ranks of the Régiment de Flandre sword in hand, that is to say, I am accused of a great absurdity. The witnesses should have been able to make it all the more piquant, for, born among patricians, and yet a deputy of those who were then called the *tiers état*, I always made it a religious duty to wear the costume recalling the honor of such a choice. Surely the gait of a deputy in black coat, round hat, cravat and cloak, walking at five o'clock in the evening with drawn sword in hand, in a regiment, deserved to find a place among the caricatures of such a procedure. Nevertheless I observe that one can be very ridiculous without ceasing to be innocent. I observe that the action of carrying a sword in hand would be neither a crime of high treason against the King, nor of high treason against the

state. So, everything weighed, everything examined, the evidence of M. Valfond has nothing really shamefully about it, except for M. Gamanche, who found himself legally and vehemently suspected of being very ugly, since he resembles me.

But here is a more positive proof that M. Valfond is at least short-sighted. I have in this Assembly an intimate friend, and one whom, in spite of this well-known friendship, no one will dare tax with disloyalty or lying, M. La Marck. I spent the entire afternoon of October 5 at his house, alone with him, examining geographical maps, to study positions which were so interesting at that time to the Belgian provinces. This work, which absorbed his whole attention and attracted all mine, occupied us to the very moment when M. La Marck conducted me to the National Assembly, from which place he took me back home with him.

But in regard to this evening there is a remarkable fact which I call M. La Marck to witness; it is that having used scarcely three minutes to say a few words about the circumstances of the moment, about the siege of Versailles which was to be carried on by those terrible amazons spoken of by the Châtelet; and considering the fatal probability that perverse counsellors would compel the King to go to Metz, I said to him: "The dynasty is lost if Monsieur does not remain and does not take the reins of the government." We agreed on the means of having an audience with the Prince immediately if the King's departure took place. Thus it was that I began my rôle of accomplice and prepared to make M. d'Orléans lieutenant-general of the kingdom. Possibly you will find these facts more convincing and more certain than my costume of Charles XII.

I am reproached with having made this remark to M. Mou-

nier: "Ah! who tells you that we do not wish a king? But what does it matter whether it be Louis XVI or Louis XVII?"

Here I will observe that the reporter whose partiality for the accused has been denounced to you is nevertheless far, I will not say from being favorably inclined towards me, but from being exact, from being just. It is solely because M. Mounier does not confirm this remark by the evidence that the reporter does not stop there. "I shuddered," he says, "I shuddered as I read, and I said to myself: If this remark was made, there is a plot, there is a culprit; fortunately M. Mounier does not mention it."

Well, gentlemen, with the high degree of esteem in which I hold M. Chabroud and his report, I maintain that he has reasoned badly. This remark, which I declare I do not recall, is such as any citizen might be proud of; and not only is it justifiable at the time when it is given place, but it is good in itself; it is praiseworthy; and if the reporter had analyzed it with his ordinary sagacity he would not have needed, in order to dispel the pretended offence, to be convinced that it was imaginary. Suppose an enthusiastic royalist, such as M. Mounier, consulting with a deliberate royalist and repelling all idea that the monarchy could run any danger in a nation professing in a way to worship monarchical government: would you consider it strange that the friend of the throne and liberty, seeing the horizon darken, judging better than the enthusiast the tendency of opinion, the acceleration of circumstances, the dangers of an insurrection, and desiring to rescue his too conciliating fellow citizen from a dangerous security, should say to him: "Ah! who denies that the French are monarchical? who disputes that France has need of a king and desires a king? But Louis XVII will be king as Louis XVI; and if the nation is persuaded that

Louis XVI is an abettor and accomplice of excesses which have wearied her patience she will invoke a Louis XVII"? The zealot for liberty would have pronounced these words with the more energy the better he knew his interlocutor and the relations which could make his discourse more effective; would you see in him a conspirator, a bad citizen, or even a poor reasoner? This supposition would be very simple; it might be adapted to people and circumstances. Draw from it at least this conclusion, that a conversation never proves anything by itself: that it takes all its character, all its force from the introduction and the foregone incidents, from the nature of the moment, from the sort of speakers,—in a word, from a multitude of fugitive shades which must be determined before appreciating it and deciding upon it.

Since I am speaking of M. Mounier I will explain another fact which, in the account he has made of it to himself, he has spoiled to his own disadvantage.

He presided over the National Assembly of October 5, when they discussed the acceptance pure and simple, or modified, of the declaration of rights. I went to him, it is said; I induced him to pretend an indisposition and to break up the meeting on that frivolous pretext. . . . I was doubtless ignorant at that time that the indisposition of a president calls his predecessor; I was ignorant that it is not in the power of any man to stop at his pleasure the course of one of your most serious deliberations.

Here is the fact in its exactitude and its simplicity.

On the morning of October 5 I was informed that the fermentation of Paris was increasing. I did not need to know the details to believe it; an augury which never deceives, the nature of things was sufficient indication of it. I went to M.

Mounier. I said to him: "Mounier, Paris is marching upon us."—"I know nothing about it."—"Believe me, or believe me not, no matter; but Paris, I tell you, is marching upon us. Be ill: go up to the Château, give them this warning: say, if you wish, that you have it from me, I am willing; but stop this scandalous controversy; time is pressing, there is not a moment to lose."

"Paris is marching upon us?" replied Mounier; "Well! so much the better, we shall be a republic so much the sooner." If you recall the prejudices and the spleen which agitated Mounier; if you recall how he saw in me the firebrand of Paris, you will see that this remark, which has more character than the poor fugitive has ever shown since, does him credit. I have not seen him since except in the National Assembly which he deserted as well as the kingdom a few days later. I have never spoken to him again, and I do not know how he could imagine that I wrote him a note the sixth of October at three o'clock in the morning to break up the meeting; I have not the slightest idea about it. Nothing, moreover, is more idle or more immaterial.

I come to the third accusation of which I am the object, and it is here that I promised the answer to the enigma: I advised, they say, M. d'Orléans not to go to England. Well, what is to be concluded from that? I deem it an honor not to have given (for I did not speak to him), but to have been the cause of giving him this advice. I learn, through public notoriety, that after a conversation between M. d'Orléans and M. de Lafayette, very imperious on the one side, and very resigned on the other, the former came to accept the mission, or rather to receive the order to leave for England. At the same moment the consequences of such a proceeding present themselves to my mind. To disturb the friends of liberty, to scat-

ter clouds over the causes of the Revolution, promise a new pretext to the malcontents, isolate the king more and more, sow new germs of defiance within and without the kingdom, these are the effects which this precipitous departure, this condemnation without accusation, must produce. Above all it left without a rival the man to whom the chance of events had just given a new dictatorship; the man who at this moment had at his disposal, in the bosom of liberty, a police more active than that of the old régime; the man who, through this police, had just collected a stock of accusations without accusing; the man who by imposing upon M. d'Orléans the law of departure, instead of having him judged and condemned if he was guilty, openly avoided by this alone the inviolability of the members of the Assembly. My mind was made up in an instant; I said to M. Biron, with whom I have never had any political relations, but whom I have always held in high esteem, and from whom I have several times received friendly services: "M. d'Orléans is going to leave, without a trial, the post entrusted to him by his constituents; if he obeys I denounce his departure and I shall oppose it; if he remains, if he makes known the invisible hand which is anxious to remove him, I denounce the authority assuming the place of the law; let him choose between these alternatives." M. Biron replied with chivalric sentiments, and I waited. M. d'Orléans, informed of my resolution, promised to follow my advice, but the very next day, in the Assembly, I received a note from M. Biron, and not from M. d'Orléans, as the procedure supposes; this note bore the crêpe of his grief and announced the departure of the prince. But when friendship was limited to suffering, the man of public affairs was permitted to be indignant. A shock of temper, or rather of civic anger, made me offer a resolution on the spot which the

reporter ought to have made known in order to have the right to charge indiscretion. Consider this insolent if you will; but at least acknowledge, since it does not take any relation for granted, that it excludes all idea of complicity. I charge it upon him whose conduct up to that time had seemed to me free from reproach, but whose departure was in my eyes more than a fault. Now this fact is explained; and M. de Lafayette can certify to it in all the details, which are perfectly well known to him. Now if any one dares, I will not say to make a crime of this, but to refuse me his approbation; if any one dares to maintain that the advice I gave was not in conformity with my duties, useful to public affairs, and done to my honor, let him rise and accuse me. My opinion, doubtless, is indifferent to him; but I declare that I cannot help the most profound scorn for him.

Thus disappear those atrocious accusations, those unbridled calumnies which placed in the number of the most dangerous conspirators, in the number of the most execrable criminals, a man who is conscious of always having wished to be useful to his country and of not having been always useless to it. Thus vanishes that secret discovered so late, which a tribunal, at the moment of ending its career, has just unveiled to you with so much certainty and complaisance. What does it matter now whether I discuss or disdain that multitude of contradictory reports, of absurd fables, of insidious reconciliations, which the procedure still contains? What does it matter, for example, if I explain that series of confidences which M. Virien pretends to have received from me and which he reveals with so much loyalty? This M. Virien is a strange man; but was he ever so fervent a zealot of the present Revolution; has he at any time shown himself to be so sincere a friend of the constitution that a man of whom everything

has been said except that he was a simpleton has taken him thus for his confidant?

I am not speaking here to amuse public malice, to attract hatred, to give birth to new divisions. No one knows better than I that the safety of everything and everybody is in social harmony and in the annihilation of all party spirit; but I cannot help adding that it is a sad way to obtain that reunion of minds by arousing infamous procedures, changing the judiciary art to an offensive weapon, and by justifying this kind of combat with principles that would horrify slaves. I ask your permission to sum up the case.

The procedure designates me only as an accomplice; so there is no accusation against me if there is no charge of complicity.

The procedure does not designate me as an accomplice of any individual excess, but only as a pretended prime mover in that excess. There is then no point of accusation against me unless it is first proved that there was a prime mover; unless it is demonstrated that the pretended charges of complicity which concern me were a secondary rôle connected with the principal rôle; if it is not established that my conduct has been one of the principles of the action of the movement, of the explosion, the causes of which are sought for.

Finally the procedure does not designate me as the accomplice of a general mover, but as the accomplice of such an one. There is then no accusation against me if everything is not proved at once, and that this mover is the principal criminal, and that the charges of which I am the object relate to him and announce a common plan dependent on the same causes and capable of producing the same effects.

Moreover, nothing of all that would be indispensable to prove is proved.

I do not wish to examine whether the events concerning which information has been given are misfortunes or crimes; whether these crimes are the effect of a plot or of imprudence or of chance; and whether the supposition of a prime mover would not make them a hundred times more inexplicable. It is enough for me to remind you that among the facts laid to my charge some several months before or after the events cannot be connected with them except by the logic of tyrants or their instruments; and that others, contemporary with the time of the procedure, are evidently neither cause nor effect; have not had, could not have had any influence; are exclusive of the rôle of agent, of mover, or of accomplice; and that at least to suppose that I was of the number of guilty by my own will, that I was not impelled by any outside action, by any impulse, by any movement, my pretended complicity is a chimera.

Again it is enough for me to make you observe that the charges brought against me, far from giving me relations with the prime mover designated, would give me entirely opposite relations; that in the denunciation of the fraternal repast, which I had not alone the pretended imprudence to call an orgy, I was only the auxiliary of two of my colleagues who had used the term before me; that if I had run through the ranks of the Régiment de Flandre I should have done no more, after the procedure itself, than follow the example of a multitude of members of this Assembly; that if the remark, "What does it matter whether it be Louis XVII?" was true, besides the fact that I was not supposing a change of dynasty, my ideas verified by a note to a member of this Assembly, in the possible case of a regent, only concerned the brother of the King.

What then is this great part which I am supposed to have taken in the events of which the procedure is the object?

Where are the proofs of the complicity with which I am reproached? What is the crime of which it can be said of me: He is the author or the cause of it?

But I forget that I have just borrowed the language of a person accused when I should only take that of an accuser.

What is this procedure, the information concerning which has not come to an end, all the secret springs of which have only been combined in a whole year; which, apparently corresponding to the crime of high treason, against the King, is found in the hands of an incompetent tribunal sovereign only in cases of crimes of high treason against the nation? What is this procedure which, threatening twenty different people in the space of a year, sometimes abandoned, and sometimes taken up again, according to the interest and views, the fears or hopes of its machinators, has been for so long a time only a weapon of intrigue, only a sword suspended above the heads of those whom they wished to ruin or frighten, disunite or bring together; which, finally, after crossing the sea, saw the light only at the moment when one of its accused did not believe in the dictatorship which kept him in exile or disdained him?

What is this procedure aimed at individual offences about which no inquiry is instituted, and yet it is desired to inquire into the remote causes without shedding any light on the causes near at hand? What is this procedure all the events of which are explained without a plot, and which nevertheless has a plot for a basis, the first aim of which has been to conceal real faults and to replace them with imaginary crimes; which directed in the first place by self-love alone, then embittered by hatred, afterward taken possession of by party spirit, then seized upon by the ministerial power, and, thus receiving several sorts of influence one after another, finally took the form

of an insidious protestation both against your decrees, and against the King's liberty of acceptation, against his journey to Paris, against the wisdom of your deliberations, and against the love of the nation for the monarch?

What is this procedure which the most desperate enemies of the Revolution would not have directed better if they had been the only authors of it, as they were almost the only instruments; which tended to stir up the most redoubtable party spirit, both in the bosom of this Assembly by opposing the witnesses to the judges, and in the whole kingdom by slandering the intentions of the capital in the provinces, and in every town by making detestable a liberty which might have shortened the monarch's life, and in all Europe, by painting there the situation of a free King in the false colors of a captive, persecuted King: by painting this august Assembly as an assembly of factious persons?

Yes, the secret of this infernal procedure is finally discovered: it is in the interest of those whose testimony and slanders have formed the tissue of it; it is in the resources which it has furnished to the enemies of the Revolution; it is—it is in the heart of the judges, as will soon be engraved in history by the most just and the most implacable vengeance.

[Specially translated by Helen B. Dole.]

ERSKINE

LORD THOMAS ERSKINE, a noted English chancellor, was born in Edinburgh, January 10, 1750, the youngest son of the Earl of Buchan. As the Earl's income was very small it was impossible for him to do much toward the education of his son, who accordingly entered the navy as a midshipman at an early age. After four years he managed to obtain a commission in the army and was married before coming of age. His prospects at this time were very precarious, and, suddenly deciding to study law, he sold out his army commission, was admitted to Lincoln's Inn, and as gentleman commoner entered Trinity College, Cambridge University, in 1776. Called to the bar in 1778, he speedily attained success. Almost his earliest forensic speech, uttered in defence of a Captain Baillie, prosecuted for libel, was called by Lord Campbell "the most wonderful forensic effort of which we have any account in our annals." In 1781 he successfully defended Lord George Gordon, tried for treason, and in 1783 entered Parliament, but was hardly so great a success in parliamentary debate as in the court room. He was re-elected to Parliament in 1790, and in several political trials stoutly defended the liberty of the press. In 1806 he was made lord chancellor and elevated to the peerage as Baron Erskine. On the return to power of the Tory ministry in 1807 he resigned his office and for nearly ten years lived in semi-retirement. In 1817, however, he returned to public life and vigorously opposed the Seditious Meetings Bill, the act for suspension of habeas corpus, and was especially strenuous in securing a fair trial for Queen Caroline. He died at Almodell, West Lothian, Scotland, November 17, 1823. He has been considered the greatest advocate who ever appeared before an English bar. Erskine was a man of the highest integrity and of most amiable temperament, but extremely vain. Besides "Armata," a political romance, he published "A View of the Causes and Consequences of the War with France," which passed rapidly through forty-eight editions.

SPEECH IN BEHALF OF STOCKDALE

DELIVERED AT HIS TRIAL FOR LIBEL ON THE HOUSE OF COMMONS, IN THE COURT OF KING'S BENCH, DECEMBER 9, 1789

GENTLEMEN OF THE JURY,— Mr. Stockdale, who is brought as a criminal before you for the publication of this book, has, by employing me as his advocate, reposed what must appear to many an extraordinary degree of confidence; since, although he well knows that I

am personally connected in friendship with most of those whose conduct and opinions are principally arraigned by its author, he nevertheless commits to my hands his defence and justification.

From a trust apparently so delicate and singular, vanity is but too apt to whisper an application to some fancied merit of one's own; but it is proper, for the honor of the English bar, that the world should know that such things happen to all of us daily and of course; and that the defendant, without any knowledge of me, or any confidence that was personal, was only not afraid to follow up an accidental retainer from the knowledge he has of the general character of the profession. Happy indeed is it for this country that, whatever interested divisions may characterize other places of which I may have occasion to speak to-day, however the counsels of the highest departments of the state may be occasionally distracted by personal considerations, they never enter these walls to disturb the administration of justice; whatever may be our public principles or the private habits of our lives, they never cast even a shade across the path of our professional duties. If this be the characteristic even of the bar of an English court of justice, what sacred impartiality may not every man expect from its jurors and its bench?

As, from the indulgence which the court was yesterday pleased to give to my indisposition, this information was not proceeded on when you were attending to try it, it is probable you were not altogether inattentive to what passed at the trial of the other indictment, prosecuted also by the House of Commons; and therefore, without a restatement of the same principles, and a similar quotation of authorities to support them, I need only remind you of the law applicable to this subject as it was then admitted by the attorney-

general in concession to my propositions and confirmed by the higher authority of the court, namely:

First, that every information or indictment must contain such a description of the crime that the defendant may know what crime it is which he is called upon to answer.

Secondly, that the jury may appear to be warranted in their conclusion of guilty or not guilty.

And, lastly, that the court may see such a precise and definite transgression upon the record as to be able to apply the punishment which judicial discretion may dictate or which positive law may inflict.

It was admitted also to follow as a mere corollary from these propositions, that where an information charges a writing to be composed or published of and concerning the Commons of Great Britain, with an intent to bring that body into scandal and disgrace with the public, the author cannot be brought within the scope of such a charge unless the jury, on examination and comparison of the whole matter written or published, shall be satisfied that the particular passages charged as criminal, when explained by the context and considered as part of one entire work, were meant and intended by the author to vilify the House of Commons as a body, and were written of and concerning them in Parliament assembled.

These principles being settled, we are now to see what the present information is.

It charges that the defendant —"unlawfully, wickedly, and maliciously devising, contriving, and intending to asperse, scandalize, and vilify the Commons of Great Britain in Parliament assembled; and most wickedly and audaciously to represent their proceedings as corrupt and unjust; and to make it believed and thought as if the Commons of Great Britain in Parliament assembled were a most wicked, tyrannical,

base, and corrupt set of persons, and to bring them into disgrace with the public"— the defendant published — what? Not those latter ends of sentences which the Attorney-General has read from his brief as if they had followed one another in order in this book; not those scraps and tails of passages which are patched together upon this record and pronounced in one breath as if they existed without intermediate matter in the same page and without context anywhere. No! This is not the accusation, even mutilated as it is: for the information charges that, with intention to vilify the House of Commons, the defendant published the whole book, describing it on the record by its title: "A Review of the Principal Charges Against Warren Hastings, Esq., late Governor-General of Bengal;" in which, among other things, the matter particularly selected is to be found. Your inquiry, therefore, is not confined to whether the defendant published those selected parts of it, and whether, looking at them as they are distorted by the information, they carry in fair construction the sense and meaning which the innuendoes put upon them; but whether the author of the entire work—I say the author, since, if he could defend himself, the publisher unquestionably can — whether the author wrote the volume which I hold in my hand as a free, manly, *bonâ fide* disquisition of criminal charges against his fellow citizen; or whether the long, eloquent discussion of them which fills so many pages was a mere cloak and cover for the introduction of the supposed scandal imputed to the selected passages, the mind of the writer all along being intent on traducing the House of Commons, and not on fairly answering their charges against Mr. Hastings.

This, gentlemen, is the principal matter for your consideration; and therefore if, after you shall have taken the book

itself into the chamber which will be provided for you, and shall have read the whole of it with impartial attention — if, after the performance of this duty, you can return here and with clear consciences pronounce upon your oaths that the impression made upon you by these pages is that the author wrote them with the wicked, seditious, and corrupt intentions charged by the information — you have then my full permission to find the defendant guilty; but if, on the other hand, the general tenor of the composition shall impress you with respect for the author, and point him out to you as a man mistaken, perhaps, himself, but not seeking to deceive others — if every line of the work shall present to you an intelligent, animated mind, glowing with a Christian compassion toward a fellow man whom he believed to be innocent, and with a patriot zeal for the liberty of his country, which he considered as wounded through the sides of an oppressed fellow citizen; — if this shall be the impression on your consciences and understandings, when you are called upon to deliver your verdict, then hear from me that you not only work private injustice, but break up the press of England, and surrender her rights and liberties forever, if you convict the defendant.

Gentlemen, to enable you to form a true judgment of the meaning of this book and of the intention of its author, and to expose the miserable juggle that is played off in the information by the combination of sentences which, in the work itself, have no bearing upon one another, I will first give you the publication as it is charged upon the record and presented by the Attorney-General in opening the case for the Crown; and I will then, by reading the interjacent matter, which is studiously kept out of view, convince you of its true interpretation.

The information, beginning with the first page of the book,

charges as a libel upon the House of Commons the following sentence:

"The House of Commons has now given its final decision with regard to the merits and demerits of Mr. Hastings. The grand inquest of England have delivered their charges, and preferred their impeachment; their allegations are referred to proof; and from the appeal to the collected wisdom and justice of the nation, in the supreme tribunal of the kingdom, the question comes to be determined whether Mr. Hastings be guilty or not guilty?"

It is but fair, however, to admit that this first sentence, which the most ingenious malice cannot torture into a criminal construction, is charged by the information rather as introductory to what is made to follow it than as libellous in itself; for the Attorney-General, from this introductory passage in the first page, goes on at a leap to page thirteen, and reads, almost without a stop, as if it immediately followed the other, this sentence:

"What credit can we give to multiplied and accumulated charges when we find that they originate from misrepresentation and falsehood?"

From these two passages thus standing together, without the intervenient matter which occupies thirteen pages, one would imagine that, instead of investigating the probability or improbability of the guilt imputed to Mr. Hastings; instead of carefully examining the charges of the Commons, and the defence of them which had been delivered before them, or which was preparing for the Lords, the author had immediately, and in a moment after stating the mere fact of the impeachment, decided that the act of the Commons originated from misrepresentation and falsehood.

Gentlemen, in the same manner a veil is cast over all that is written in the next seven pages; for, knowing that the

context would help to the true construction, not only of the passages charged before, but of those in the sequel of this information, the Attorney-General, aware that it would convince every man who read it that there was no intention in the author to calumniate the House of Commons, passes over, by another leap, to page twenty; and in the same manner, without drawing his breath, and as if it directly followed the two former sentences in the first and thirteenth pages, reads from page twenty:

"An impeachment of error in judgment with regard to the quantum of a fine, and for an intention that never was executed and never known to the offending party, characterizes a tribunal of inquisition rather than a court of Parliament."

From this passage, by another vault, he leaps over one-and-thirty pages more, to page fifty-one, where he reads the following sentence, which he mainly relies on, and upon which I shall by and by trouble you with some observations:

" Thirteen of them passed in the House of Commons, not only without investigation, but without being read; and the votes were given without inquiry, argument, or conviction. A majority had determined to impeach; opposite parties met each other, and ' jostled in the dark,' to perplex the political drama and bring the hero to a tragic catastrophe."

From thence, deriving new vigor from every exertion, he makes his last grand stride over forty-four pages more, almost to the end of the book, charging a sentence in the ninety-fifth page.

So that, out of a volume of one hundred and ten pages, the defendant is only charged with a few scattered fragments of sentences picked out of three or four. Out of a work consisting of about two thousand five hundred and thirty lines of manly, spirited eloquence, only forty or fifty lines are culled

from different parts of it, and artfully put together, so as to rear up a libel out of a false context by a supposed connection of sentences with one another which are not only entirely independent, but which, when compared with their antecedents, bear a totally different construction. In this manner the greatest works upon government, the most excellent books of science, the sacred Scriptures themselves, might be distorted into libel; by forsaking the general context and hanging a meaning upon selected parts. Thus, as in the text put by Algernon Sidney, "The fool hath said in his heart, There is no God," the Attorney-General, on the principle of the present proceeding against this pamphlet, might indict the publisher of the Bible for blasphemously denying the existence of heaven in printing, "There is no God;"— these words alone, without the context, would be selected by the information, and the Bible, like this book, would be underscored to meet it; nor could the defendant in such a case have any possible defence unless the jury were permitted to see, by the book itself, that the verse, instead of denying the existence of the Divinity, only imputed that imagination to a fool.

Gentlemen, having now gone through the Attorney-General's reading, the book shall presently come forward and speak for itself; but before I can venture to lay it before you it is proper to call your attention to how matters stood at the time of its publication, without which the author's meaning and intention cannot possibly be understood.

The Commons of Great Britain, in Parliament assembled, had accused Mr. Hastings, as Governor-General of Bengal, of high crimes and misdemeanors; and their jurisdiction, for that high purpose of national justice, was unquestionably competent; but it is proper you should know the nature of this inquisitorial capacity. The Commons, in voting an

impeachment, may be compared to a grand jury finding a bill of indictment for the Crown; neither the one nor the other can be supposed to proceed but upon the matter which is brought before them; neither of them can find guilt without accusation, nor the truth of accusation without evidence. When, therefore, we speak of the accuser or accusers of a person indicted for any crime, although the grand jury are the prosecutors in form by giving effect to the accusation, yet in common parlance we do not consider them as the responsible authors of the prosecution.

If I were to write of a most wicked indictment, found against an innocent man, which was preparing for trial, nobody who read it would conceive I meant to stigmatize the grand jury that found the bill; but it would be inquired immediately who was the prosecutor and who were the witnesses on the back of it?

In the same manner I mean to contend that if this book is read with only common attention the whole scope of it will be discovered to be this: that, in the opinion of the author, Mr. Hastings had been accused of maladministration in India from the heat and spleen of political divisions in Parliament, and not from any zeal for national honor or justice; that the impeachment did not originate from government, but from a faction banded against it, which, by misrepresentation and violence, had fastened it on an unwilling House of Commons; that, prepossessed with this sentiment — which, however unfounded, makes no part of the present business, since the publisher is not called before you for defaming individual members of the Commons, but for a contempt of the Commons as a body — the author pursues the charges, article by article; enters into a warm and animated vindication of Mr. Hastings, by regular answers to each of them; and that, as far as the

mind and soul of a man can be visible — I might almost say embodied — in his writings, his intention throughout the whole volume appears to have been to charge with injustice the private accusers of Mr. Hastings, and not the House of Commons as a body, which undoubtedly rather reluctantly gave way to than heartily adopted the impeachment. This will be found to be the palpable scope of the book; and no man who can read English, and who at the same time will have the candor and common sense to take up his impressions from what is written in it, instead of bringing his own along with him to the reading of it, can possibly understand it otherwise.

But it may be said, admitting this to be the scope and design of the author, what right had he to canvass the merits of an accusation upon the records of the Commons, more especially while it was in the course of legal procedure? This, I confess, might have been a serious question; but the Commons, as prosecutors of this information, seem to have waived or forfeited their right to ask it. Before they sent the Attorney-General into this place to punish the publication of answers to their charges, they should have recollected that their own want of circumspection in the maintenance of their privileges and in the protection of persons accused before them had given to the public the charges themselves, which should have been confined to their own journals. The course and practice of Parliament might warrant the printing of them for the use of their own members; but there the publication should have stopped and all further progress been resisted by authority. If they were resolved to consider answers to their charges as a contempt of their privileges, and to punish the publication of them by such severe prosecutions, it would have well become them to have begun first with those printers who, by publishing the charges themselves throughout the

whole kingdom, or rather throughout the whole civilized world, were anticipating the passions and judgments of the public against a subject of England upon his trial, so as to make the publication of answers to them not merely a privilege, but a debt and duty to humanity and justice. The Commons of Great Britain claimed and exercised the privilege of questioning the innocence of Mr. Hastings by their impeachment; but as, however questioned, it was still to be presumed and protected until guilt was established by a judgment, he whom they had accused had an equal claim upon their justice to guard him from prejudice and misrepresentation until the hour of trial.

Had the Commons, therefore, by the exercise of their high, necessary, and legal privileges, kept the public aloof from all canvass of their proceedings by an early punishment of printers who, without reserve or secrecy, had sent out the charges into the world from a thousand presses in every form of publication, they would have then stood upon ground today from whence no argument of policy or justice could have removed them; because nothing could be more incompatible with either than appeals to the many upon subjects of judicature which, by common consent, a few are appointed to determine, and which must be determined by facts and principles which the multitude have neither leisure nor knowledge to investigate. But then let it be remembered that it is for those who have the authority to accuse and punish, to set the example of and to enforce this reserve which is so necessary for the ends of justice. Courts of law therefore, in England, never endure the publication of their records; and a prosecutor of an indictment would be attached for such a publication; and upon the same principle a defendant would be punished for anticipating the justice of his country by the

publication of his defence, the public being no party to it until the tribunal appointed for its determination be open for its decision.

Gentlemen, you have a right to take judicial notice of these matters without the proof of them by witnesses, for jurors may not only, without evidence, found their verdicts on facts that are notorious, but upon what they know privately themselves, after revealing it upon oath to one another, and therefore you are always to remember that this book was written when the charges against Mr. Hastings, to which it is an answer, were, to the knowledge of the Commons (for we cannot presume our watchmen to have been asleep), publicly hawked about in every pamphlet, magazine, and newspaper in the kingdom. You well know with what a curious appetite those charges were devoured by the whole public, interesting as they were, not only from their importance, but from the merit of their composition; certainly not so intended by the honorable and excellent composer to oppress the accused, but because the commonest subjects swell into eloquence under the touch of his sublime genius. Thus, by the remissness of the Commons, who are now the prosecutors of this information, a subject of England, who was not even charged with contumacious resistance to authority, much less a proclaimed outlaw, and therefore fully entitled to every security which the customs and statutes of the kingdom hold out for the protection of British liberty, saw himself pierced with the arrows of thousands and ten thousands of libels.

Gentlemen, ere I venture to lay the book before you, it must be yet further remembered (for the fact is equally notorious) that under these inauspicious circumstances the trial of Mr. Hastings at the bar of the Lords had actually commenced long before its publication.

There the most august and striking spectacle was daily exhibited which the world ever witnessed. A vast stage of justice was erected, awful from its high authority, splendid from its illustrious dignity, venerable from the learning and wisdom of its judges, captivating and affecting from the mighty concourse of all ranks and conditions which daily flocked into it as into a theatre of pleasure; there, when the whole public mind was at once awed and softened to the impression of every human affection, there appeared, day after day, one after another, men of the most powerful and exalted talents, eclipsing by their accusing eloquence the most boasted harangues of antiquity — rousing the pride of national resentment by the boldest invectives against broken faith and violated treaties, and shaking the bosom with alternate pity and horror by the most glowing pictures of insulted nature and humanity; ever animated and energetic from the love of fame, which is the inherent passion of genius; firm and indefatigable from a strong prepossession of the justice of their cause.

Gentlemen, when the author sat down to write the book now before you, all this terrible, unceasing, exhaustless artillery of warm zeal, matchless vigor of understanding, consuming and devouring eloquence, united with the highest dignity, was daily, and without prospect of conclusion, pouring forth upon one private, unprotected man, who was bound to hear it, in the face of the whole people of England, with reverential submission and silence. I do not complain of this, as I did of the publication of the charges, because it was what the law allowed and sanctioned in the course of a public trial; but when it is remembered that we are not angels, but weak fallible men, and that even the noble judges of that high tribunal are clothed beneath their ermines with the common infirmi-

ties of man's nature, it will bring us all to a proper temper for considering the book itself, which will in a few moments be laid before you. But first let me once more remind you that it was under all these circumstances, and amidst the blaze of passion and prejudice which the scene I have been endeavoring faintly to describe to you might be supposed likely to produce, that the author, whose name I will now give to you, sat down to compose the book which is prosecuted to-day as a libel.

The history of it is very short and natural.

The Rev. Mr. Logan, minister of the gospel at Leith, in Scotland, a clergyman of the purest morals, and, as you will see by and by, of very superior talents, well acquainted with the human character, and knowing the difficulty of bringing back public opinion after it is settled on any subject, took a warm, unbought, unsolicited interest in the situation of Mr. Hastings, and determined, if possible, to arrest and suspend the public judgment concerning him. He felt for the situation of a fellow citizen exposed to a trial which, whether right or wrong, is undoubtedly a severe one; a trial certainly not confined to a few criminal acts like those we are accustomed to, but comprehending the transactions of a whole life and the complicated policies of numerous and distant nations; a trial which had neither visible limits to its duration, bounds to its expense, nor circumscribed compass for the grasp of memory or understanding; a trial which had therefore broken loose from the common forms of decision and had become the universal topic of discussion in the world, superseding not only every other grave pursuit, but every fashionable dissipation.

Gentlemen, the question you have therefore to try upon all this matter is extremely simple. It is neither more nor less

than this. At a time when the charges against Mr. Hastings were, by the implied consent of the Commons, in every hand and on every table; when, by their managers, the lightning of eloquence was incessantly consuming him and flashing in the eyes of the public; when every man was, with perfect impunity, saying, and writing, and publishing just what he pleased of the supposed plunderer and devastator of nations, — would it have been criminal in Mr. Hastings himself to have reminded the public that he was a native of this free land, entitled to the common protection of her justice, and that he had a defence, in his turn, to offer to them, the outlines of which he implored them in the meantime to receive, as an antidote to the unlimited and unpunished poison in circulation against him?

This is, without color or exaggeration, the true question you are to decide; because I assert, without the hazard of contradiction, that if Mr. Hastings himself could have stood justified or excused in your eyes for publishing this volume in his own defence, the author, if he wrote it *bona fide* to defend him, must stand equally excused and justified; and if the author be justified, the publisher cannot be criminal, unless you have evidence that it was published by him with a different spirit and intention from those in which it was written. The question, therefore, is correctly what I just now stated it to be: Could Mr. Hastings have been condemned to infamy for writing this book?

Gentlemen, I tremble with indignation to be driven to put such a question in England. Shall it be endured that a subject of this country (instead of being arraigned and tried for some single act in her ordinary courts, where the accusation, as soon at least as it is made public, is followed within a few hours by the decision) may be impeached by the Com-

mons for the transactions of twenty years, that the accusation shall spread as wide as the region of letters, that the accused shall stand, day after day, and year after year, as a spectacle before the public, which shall be kept in a perpetual state of inflammation against him; yet that he shall not, without the severest penalties, be permitted to submit anything to the judgment of mankind in his defence? If this be law (which it is for you to-day to decide), such a man has no trial. This great hall, built by our fathers for English justice, is no longer a court, but an altar; and an Englishman, instead of being judged in it by God and his country, is a victim and a sacrifice.

You will carefully remember that I am not presuming to question either the right or duty of the Commons of Great Britain to impeach; neither am I arraigning the propriety of their selecting, as they have done, the most extraordinary persons for ability which the age has produced to manage their impeachment. Much less am I censuring the managers themselves, charged with the conduct of it before the Lords, who are undoubtedly bound, by their duty to the House and to the public, to expatiate upon the crimes of the persons whom they had accused. None of these points are questioned by me nor are in this place questionable. I desire only to have it decided whether — if the Commons, when national expediency happens to call, in their judgment, for an impeachment, shall, instead of keeping it on their own records, and carrying it with due solemnity to the Peers for trial, permit it, without censure and punishment, to be sold like a common newspaper in the shop of my client, so crowded with their own members that no plain man, without privilege of Parliament, can hope even for the sight of the fire in a winter's day, every man buying it, reading it, and commenting upon it

— the gentleman himself who is the object of it, or his friend in his absence, may not, without stepping beyond the bounds of English freedom, put a copy of what is thus published into his pocket, and send back to the very same shop for publication a *bona fide*, rational, able answer to it, in order that the bane and antidote may circulate together, and the public be kept straight till the day of decision.

If you think, gentlemen, that this common duty of self-preservation in the accused himself, which nature writes as a law upon the hearts of even savages and brutes, is nevertheless too high a privilege to be enjoyed by an impeached and suffering Englishman; or if you think it beyond the offices of humanity and justice, when brought home to the hand of a brother or a friend, you will say so by your verdict of guilty; the decision will then be yours, and the consolation mine that I have labored to avert it. A very small part of the misery which will follow from it is likely to light upon me; the rest will be divided among yourselves and your children.

Gentlemen, I observe plainly and with infinite satisfaction that you are shocked and offended at my even supposing it possible you should pronounce such a destestable judgment, and that you only require of me to make out to your satisfaction, as I promised, that the real scope and object of this book is a *bona fide* defence of Mr. Hastings and not a cloak and cover for scandal on the House of Commons. I engage to do this, and I engage for nothing more. I shall make an open, manly defence. I mean to torture no expressions from their natural constructions; to dispute no innuendoes on the record, should any of them have a fair application; nor to conceal from your notice any unguarded, intemperate expressions which may perhaps be found to chequer the vigorous and animated career of the work.

Such a conduct might, by accident, shelter the defendant; but it would be the surrender of the very principle on which alone the liberty of the English press can stand, and I shall never defend any man from a temporary imprisonment by the permanent loss of my own liberty and the ruin of my country. I mean, therefore, to submit to you that, though you should find a few lines in page thirteen or twenty-one, a few more in page fifty-one, and some others in other places, containing expressions bearing on the House of Commons, even, as a body, which if written as independent paragraphs by themselves would be indefensible libels, yet that you have a right to pass them over in judgment provided the substance clearly appears to be a *bona fide* conclusion arising from the honest investigation of a subject which it was lawful to investigate, and the questionable expressions the visible effusion of a zealous temper engaged in an honorable and legal pursuit. After this preparation I am not afraid to lay the book in its genuine state before you.

The pamphlet begins thus:

"The House of Commons has now given its final decision with regard to the merits and demerits of Mr. Hastings. The grand inquest of England have delivered their charges and preferred their impeachment; their allegations are referred to proof; and, from the appeal to the collective wisdom and justice of the nation in the supreme tribunal of the kingdom, the question comes to be determined whether Mr. Hastings be guilty or not guilty?"

Now, if immediately after what I have just read to you (which is the first part charged by the information) the author had said, "Will accusations built on such a baseless fabric prepossess the public in favor of the impeachment? What credit can we give to multiplied and accumulated charges,

when we find that they originate from misrepresentation and falsehood?"—every man would have been justified in pronouncing that he was attacking the House of Commons, because the groundless accusations mentioned in the second sentence could have no reference but to the House itself mentioned by name in the first and only sentence which preceded it.

But, gentlemen, to your astonishment, I will now read what intervenes between these two passages. From this you will see, beyond a possibility of doubt, that the author never meant to calumniate the House of Commons, but to say that the accusations of Mr. Hastings before the whole House grew out of a Committee of Secrecy established some years before, and were afterwards brought forward by the spleen of private enemies and a faction in the government. This will appear, not only from the grammatical construction of the words, but, from what is better than words, from the meaning which a person writing as a friend of Mr. Hastings must be supposed to have intended to convey. Why should such a friend attack the House of Commons? Will any man gravely tell me that the House of Commons, as a body, ever wished to impeach Mr. Hastings? Do we not all know that they constantly hung back from it and hardly knew where they were or what to do when they found themselves entangled with it? My learned friend the attorney-general is a member of this assembly; perhaps he may tell you by and by what he thought of it, and whether he ever marked any disposition in the majority of the Commons hostile to Mr. Hastings. But why should I distress my friend by the question? The fact is sufficiently notorious; and what I am going to read from the book itself (which is left out in the information) is too plain for controversy.

"Whatever may be the event of the impeachment, the proper exercise of such power is a valuable privilege of the British constitution, a formidable guardian of the public liberty and the dignity of the nation. The only danger is that from the influence of faction and the awe which is annexed to great names they may be prompted to determine before they inquire and to pronounce judgment without examination."

Here is the clue to the whole pamphlet. The author trusts to and respects the House of Commons, but is afraid their mature and just consideration may be disturbed by faction. Now, does he mean government by faction? Does he mean the majority of the Commons by faction? Will the House, which is the prosecutor here, sanction that application of the phrase — or will the Attorney-General admit the majority to be the true innuendo of faction? I wish he would; I should then have gained something at least by this extraordinary debate. But I have no expectation of the sort; such a concession would be too great a sacrifice to any prosecution at a time when everything is considered as faction that disturbs the repose of the Minister in Parliament. But indeed, gentlemen, some things are too plain for argument. The author certainly means my friends, who, whatever qualifications may belong to them, must be contented with the appellation of faction while they oppose the Minister in the House of Commons; but the House, having given its meaning to the phrase of faction for its own purposes, cannot in decency change the interpretation in order to convict my client. I take that to be beyond the privilege of Parliament.

The same bearing upon individual members of the Commons, and not on the Commons as a body, is obvious throughout. Thus, after saying, in page nine, that the East India Company had thanked Mr. Hastings for his meritorious

services (which is unquestionably true), he adds "that mankind would abide by their deliberate decision rather than by the intemperate assertion of a committee."

This he writes after the impeachment was found by the Commons at large, but he takes no account of their proceedings, imputing the whole to the original committee, that is, the Committee of Secrecy, so called, I suppose, from their being the authors of twenty volumes in folio which will remain a secret to all posterity, as nobody will ever read them. The same construction is equally plain from what immediately follows:

"The report of the Committee of Secrecy also states that the happiness of the native inhabitants of India has been deeply affected, their confidence in English faith and lenity shaken and impaired, and the character of this nation wantonly and wickedly degraded."

Here, again, you are grossly misled by the omission of near twenty-one pages; for the author, though he is here speaking of this committee by name, which brought forward the charges to the notice of the House, and which he continues to do onward to the next select paragraph, yet, by arbitrarily sinking the whole context, he is taken to be speaking of the House as a body, when in the passage next charged by the information he reproaches the accusers of Mr. Hastings; although, so far is he from considering them as the House of Commons, that in the very same page he speaks of the Articles as the charges, not even of the Committee, but of Mr. Burke alone, the most active and intelligent member of that body, having been circulated in India by a relation of that gentleman: "The charges of Mr. Burke have been carried to Calcutta and carefully circulated in India."

Now, if we were considering these passages of the work as calumniating a body of gentlemen many of whom I must be supposed highly to respect, or as reflecting upon my worthy friend whose name I have mentioned, it would give rise to a totally different inquiry which it is neither my duty nor yours to agitate; but surely the more that consideration obtrudes itself upon us the more clearly it demonstrates that the author's whole direction was against the individual accusers of Mr. Hastings, and not against the House of Commons, which merely trusted to the matter they had collected.

Although, from a caution which my situation dictates as representing another, I have thought it my duty thus to point out to you the real intention of the author as it appears by the fair construction of the work, yet I protest that in my own apprehension it is very immaterial whether he speaks of the Committee or of the House provided you shall think the whole volume a *bona fide* defence of Mr. Hastings. This is the great point I am, by all my observations, endeavoring to establish, and which I think no man who reads the following short passages can doubt. Very intelligent persons have indeed considered them, if founded in facts, to render every other amplification unnecessary. The first of them is as follows:

"It was known, at that time, that Mr. Hastings had not only descended from a public to a private station, but that he was persecuted with accusations and impeachments. But none of these suffering millions have sent their complaints to this country; not a sigh nor a groan has been wafted from India to Britain. On the contrary, testimonies the most honorable to the character and merit of Mr. Hastings have been transmitted by those very princes whom he has been supposed to have loaded with the deepest injuries."

Here, gentlemen, we must be permitted to pause together a little; for, in examining whether these pages were written as an honest answer to the charges of the Commons or as a prostituted defence of a notorious criminal whom the writer believed to be guilty, truth becomes material at every step; for if in any instance he be detected of a wilful misrepresentation he is no longer an object of your attention.

Will the Attorney-General proceed then to detect the hypocrisy of our author by giving us some details of the proofs by which these personal enormities have been established, and which the writer must be supposed to have been acquainted with? I ask this as the defender of Mr. Stockdale, not of Mr. Hastings, with whom I have no concern. I am sorry, indeed, to be so often obliged to repeat this protest; but I really feel myself embarrased with those repeated coincidences of defence which thicken on me as I advance, and which were, no doubt, overlooked by the Commons when they directed this interlocutory inquiry into his conduct. I ask, then, as counsel for Mr. Stockdale, whether, when a great state criminal is brought for justice at an immense expense to the public, accused of the most oppressive cruelties, and charged with the robbery of princes and the destruction of nations, it is not open to any one to ask, "Who are his accusers? What are the sources and the authorities of these shocking complaints? Where are the ambassadors or memorials of those princes whose revenues he has plundered? Where are the witnesses for those unhappy men in whose persons the rights of humanity have been violated? How deeply buried is the blood of the innocent, that it does not rise up in retributive judgment to confound the guilty?"

These, surely, are questions which, when a fellow citizen is upon a long, painful, and expensive trial, humanity has a

right to propose; which the plain sense of the most unlettered man may be expected to dictate; and which all history must provoke from the more enlightened.

When Cicero impeached Verres before the great tribunal of Rome of similar cruelties and depredations in her provinces, the Roman people were not left to such inquiries. All Sicily surrounded the Forum, demanding justice upon her plunderer and spoiler with tears and imprecations. It was not by the eloquence of the orator, but by the cries and tears of the miserable, that Cicero prevailed in that illustrious cause. Verres fled from the oaths of his accusers and their witnesses, and not from the voice of Tully. To preserve the fame of his eloquence he composed his five celebrated speeches, but they were never delivered against the criminal, because he had fled from the city, appalled with the sight of the persecuted and the oppressed. It may be said that the cases of Sicily and India are widely different; perhaps they may be; whether they are or not is foreign to my purpose. I am not bound to deny the possibility of answers to such questions; I am only vindicating the right to ask them.

Gentlemen, the author, in the other passage which I marked out to your attention, goes on thus:

"Lord Cornwallis and Sir John Macpherson, his successors in office, have given the same voluntary tribute of approbation to his measures as Governor-General of India. A letter from the former, dated the 10th of August, 1786, gives the following account of our dominions in Asia: 'The native inhabitants of this kingdom are the happiest and best protected subjects in India; our native allies and tributaries confide in our protection; the country powers are aspiring to the friendship of the English; and from the King of Tidore, toward New Guinea, to Timur Shah, on the banks of the Indus, there is not a state that has not lately given us proofs of confidence and respect.'"

Still pursuing the same test of sincerity, let us examine this defensive allegation.

Will the Attorney-General say that he does not believe such a letter from Lord Cornwallis ever existed? No! for he knows that it is as authentic as any document from India upon the table of the House of Commons. What, then, is the letter? "The native inhabitants of this kingdom," says Lord Cornwallis (writing from the very spot), "are the happiest and best protected subjects in India," etc., etc., etc. The inhabitants of this kingdom! Of what kingdom? Of the very kingdom which Mr. Hastings has just returned from governing for thirteen years, and for the misgovernment and desolation of which he stands every day as a criminal, or rather as a spectacle, before us. This is matter for serious reflection and fully entitles the author to put the question which immediately follows:

"Does this authentic account of the administration of Mr. Hastings, and of the state of India, correspond with the gloomy picture of despotism and despair drawn by the Committee of Secrecy?"

Had that picture been even drawn by the House of Commons itself, he would have been fully justified in asking this question; but you observe it has no bearing on it; the last words not only entirely destroy that interpretation, but also the meaning of the very next passage which is selected by the information as criminal; namely:

"What credit can we give to multiplied and accumulated charges when we find that they originate from misrepresentation and falsehood?"

This passage, which is charged as a libel on the Commons, when thus compared with its immediate antecedent, can bear but one construction. It is impossible to contend that it

charges misrepresentation on the House that found the impeachment, but upon the Committee of Secrecy just before adverted to, who were supposed to have selected the matter, and brought it before the whole House for judgment.

I do not mean, as I have often told you, to vindicate any calumny on that honorable Committee, or upon any individual of it, any more than upon the Commons at large, but the defendant is not charged by this information with any such offences.

Let me here pause once more to ask you whether the book in its genuine state, as far as we have advanced in it, makes the same impression on your minds now as when it was first read to you in detached passages; and whether, if I were to tear off the first part of it, which I hold in my hand, and give it to you as an entire work, the first and last passages, which have been selected as libels on the Commons, would now appear to be so when blended with the interjacent parts? I do not ask your answer — I shall have it in your verdict.

The question is only put to direct your attention in pursuing the remainder of the volume to this main point,— is it an honest, serious defence? For this purpose, and as an example for all others, I will read the author's entire answer to the first article of charge concerning Cheit Sing, the Zemindar of Benares, and leave it to your impartial judgments to determine whether it be a mere cloak and cover for the slander imputed by the information to the concluding sentence of it, which is the only part attacked; or whether, on the contrary, that conclusion itself, when embodied with what goes before it, does not stand explained and justified?

"The first article of impeachment," continues our author, "is concerning Cheit Sing, the Zemindar of Benares. Bulwant Sing, the father of this Rajah, was merely an *aumil*, or

farmer and collector of the revenues for Sujah-ul-Dowlah, Nabob of Oude, and Vizier of the Mogul empire. When, on the decease of his father, Cheit Sing was confirmed in the office of collector for the Vizier, he paid two hundred thousand pounds as a gift, or muzzeranah, and an additional rent of thirty thousand pounds per annum.

"As the father was no more than an aumil, the son succeeded only to his rights and pretensions. But by a sunnud granted to him by the Nabob, Sujah Dowlah, in September, 1773, through the influence of Mr. Hastings, he acquired a legal title to property in the land, and was raised from the office of aumil to rank of Zemindar. About four years after the death of Bulwart Sing the Governor-General and Council of Bengal obtained the sovereignty paramount of the province of Benares. On the transfer of this sovereignty the Governor and Council proposed a new grant to Cheit Sing, confirming his former privileges, and conferring upon him the addition of the sovereign rights of the mint, and the powers of criminal justice with regard to life and death. He was then recognized by the Company as one of their Zemindars; a tributary subject, or feudatory vassal, of the British empire in Hindostan. The feudal system, which was formerly supposed to be peculiar to our Gothic ancestors, has always prevailed in the East. In every description of that form of government, notwithstanding accidental variations, there are two associations expressed or understood; one for internal security, the other for external defence. The King or Nabob confers protection on the feudatory baron as tributary prince, on condition of an annual revenue in the time of peace, and of military service, partly commutable for money, in the time of war. The feudal incidents in the Middle Ages in Europe, the fine paid to the superior on marriage, wardship, relief, etc., correspond to the annual tribute in Asia. Military service in war, and extraordinary aids in the event of extraordinary emergencies, were common to both.

"When the Governor-General of Bengal, in 1778, made an extraordinary demand on the Zemindar of Benares for five lacs of rupees, the British empire in that part of the world was surrounded with enemies which threatened its destruction. In 1779 a general confederacy was formed

among the great powers of Hindostan for the expulsion of the English from their Asiatic dominions. At this crisis the expectation of a French armament augmented the general calamities of the country. Mr. Hastings is charged by the Committee with making his first demand under the false pretence that hostilities had commenced with France. Such an insidious attempt to pervert a meritorious action into a crime is new — even in the history of impeachments. On the 7th of July, 1778, Mr. Hastings received private intelligence from an English merchant at Cairo that war had been declared by Great Britain on the 23d of March, and by France on the 30th of April. Upon this intelligence, considered as authentic, it was determined to attack all the French settlements in India. The information was afterward found to be premature; but in the latter end of August a secret despatch was received from England authorizing and appointing Mr. Hastings to take the measures which he had already adopted in the preceding month. The Directors and the Board of Control have expressed their approbation of this transaction by liberally rewarding Mr. Baldwyn, the merchant, for sending the earliest intelligence he could procure to Bengal. It was two days after Mr. Hastings's information of the French war that he formed the resolution of exacting the five lacs of rupees from Cheit Sing, and would have made similar exactions from all the dependencies of the Company in India had they been in the same circumstances. The fact is that the great Zemindars of Bengal pay as much to government as their lands can afford. Cheit Sing's collections were above fifty lacs, and his rent not twenty-four.

"The right of calling for extraordinary aids and military service in times of danger being universally established in India, as it was formerly in Europe during the feudal times, the subsequent conduct of Mr. Hastings is explained and vindicated. The Governor-General and Council of Bengal having made a demand upon a tributary Zemindar for three successive years, and that demand having been resisted by their vassal, they are justified in his punishment. The necessities of the Company, in consequence of the critical situation of their affairs in 1781, calling for a high fine; the ability of the Zemindar, who possessed near two crores of rupees in money

and jewels, to pay the sum required; his backwardness to comply with the demands of his superiors; his disaffection to the English interest and desire of revolt, which even then began to appear and were afterwards conspicuous — fully justify Mr. Hastings in every subsequent step of his conduct. In the whole of his proceedings it is manifest that he had not early formed a design hostile to the Zemindar, but was regulated by events which he could neither foresee nor control. When the necessary measures which he had taken for supporting the authority of the Company by punishing a refractory vassal were thwarted and defeated by the barbarous massacre of the British troops and by the rebellion of Cheit Sing, the appeal was made to arms; an unavoidable revolution took place in Benares, and the Zemindar became the author of his own destruction."

Here follows the concluding passage, which is arraigned by the information: —

"The decision of the House of Commons on this charge against Mr. Hastings is one of the most singular to be met with in the annals of Parliament. The minister, who was followed by the majority, vindicated him in everything that he had done, and found him blamable only for what he intended to do; justified every step of his conduct, and only criminated his proposed intention of converting the crimes of the Zemindar to the benefit of the state by a fine of fifty lacs of rupees. An impeachment of error in judgment with regard to the quantum of a fine, and for an intention that never was executed and never known to the offending party, characterizes a tribunal of inquisition rather than a court of Parliament."

Gentlemen, I am ready to admit that this sentiment might have been expressed in language more reserved and guarded; but you will look to the sentiment itself rather than to its dress; to the mind of the writer and not to the bluntness with which he may happen to express it. It is obviously the language of a warm man, engaged in the honest defence of his

friend, and who is brought to what he thinks a just conclusion in argument, which perhaps becomes offensive in proportion to its truth. Truth is undoubtedly no warrant for writing what is reproachful of any private man. If a member of society lives within the law, then, if he offends, it is against God alone, and man has nothing to do with him; and if he transgress the laws, the libeller should arraign him before them instead of presuming to try him himself. But as to writings on general subjects, which are not charged as an infringement on the rights of individuals, but as of a seditious tendency, it is far otherwise. When, in the progress either of legislation or of high national justice in Parliament, they who are amenable to no law are supposed to have adopted, through mistake or error, a principle which, if drawn into precedent, might be dangerous to the public, I shall not admit it to be a libel in the course of a legal and *bona fide* publication to state that such a principle had in fact been adopted. The people of England are not to be kept in the dark touching the proceedings of their own representatives. Let us therefore coolly examine this supposed offence and see what it amounts to.

First, was not the conduct of the right honorable gentleman whose name is here mentioned exactly what it is represented? Will the Attorney-General, who was present in the House of Commons, say that it was not? Did not the Minister vindicate Mr. Hastings in what he had done, and was not his consent to that article of the impeachment founded on the intention only of levying a fine on the Zemindar for the service of the state, beyond the quantum which he, the Minister, thought reasonable? What else is this but an impeachment of error in judgment in the quantum of a fine?

So much for the first part of the sentence, which, regarding

Mr. Pitt only, is foreign to our purpose; and as to the last part of it, which imputes the sentiments of the Minister to the majority that followed him with their votes on the question, that appears to me to be giving handsome credit to the majority for having voted from conviction and not from courtesy to the Minister. To have supposed otherwise I dare not say would have been a more natural libel, but it would certainly have been a greater one. The sum and substance therefore of the paragraph is only this: that an impeachment for error in judgment is not consistent with the theory or the practice of the English government. So say I. I say without reserve, speaking merely in the abstract, and not meaning to decide upon the merits of Mr. Hastings's cause, that an impeachment for an error in judgment is contrary to the whole spirit of English criminal justice, which, though not binding on the House of Commons, ought to be a guide to its proceedings. I say that the extraordinary jurisdiction of impeachment ought never to be assumed to expose error or to scourge misfortune, but to hold up a terrible example to corruption and wilful abuse of authority, by extra-legal pains. If public men are always punished with due severity when the source of their misconduct appears to have been selfishly corrupt and criminal, the public can never suffer when their errors are treated with gentleness.

From such protection to the magistrate, no man can think lightly of the charge of magistracy itself, when he sees, by the language of the saving judgment, that the only title to it is an honest and zealous intention. If at this moment, gentlemen, or indeed in any other in the whole course of our history, the people of England were to call upon every man in this impeaching House of Commons who had given his voice on public questions, or acted in authority, civil or mil-

itary, to answer for the issues of our councils and our wars, and if honest, single intentions for the public service were refused as answers to impeachments, we should have many relations to mourn for and many friends to deplore. For my own part, gentlemen, I feel, I hope, for my country as much as any man that inhabits it; but I would rather see it fall, and be buried in its ruins, than lend my voice to wound any Minister, or other responsible person, however unfortunate, who had fairly followed the lights of his understanding and the dictates of his conscience for its preservation.

Gentlemen, this is no theory of mine; it is the language of English law and the protection which it affords to every man in office from the highest to the lowest trust of government. In no one instance that can be named, foreign or domestic, did the Court of King's Bench ever interpose its extraordinary jurisdiction by information against any magistrate for the widest departure from the rule of his duty, without the plainest and clearest proof of corruption. To every such application not so supported the constant answer has been, Go to a grand jury with your complaint. God forbid that a magistrate should suffer from an error in judgment, if his purpose was honestly to discharge his trust.

We cannot stop the ordinary course of justice; but wherever the court has a discretion, such a magistrate is entitled to its protection. I appeal to the noble judge and to every man who hears me for the truth and universality of this position; and it would be a strange solecism indeed to assert that in a case where the supreme court of criminal justice in the nation would refuse to interpose an extraordinary though a legal jurisdiction, on the principle that the ordinary execution of the laws should never be exceeded but for the punishment of malignant guilt, the Commons, in their higher

capacity, growing out of the same constitution, should reject that principle, and stretch them yet further by a jurisdiction still more eccentric.

Many impeachments have taken place, because the law could not adequately punish the objects of them: but who ever heard of one being set on foot because the law, upon principle, would not punish them? Many impeachments have been adopted for a higher example than a prosecution in the ordinary courts, but surely never for a different example. The matter therefore in the offensive paragraph is not only an indisputable truth, but a truth in the propagation of which we are all deeply concerned.

Whether Mr. Hastings, in the particular instance, acted from corruption or from zeal for his employers, is what I have nothing to do with; it is to be decided in judgment; my duty stops with wishing him, as I do, an honorable deliverance. Whether the Minister or the Commons meant to found this article of the impeachment on mere error without corruption is likewise foreign to the purpose. The author could only judge from what was said and done on the occasion. He only sought to guard the principle, which is a common interest, and the rights of Mr. Hastings under it. He was, therefore, justified in publishing that an impeachment founded in error in judgment was to all intents and purposes illegal, unconstitutional, and unjust.

Gentlemen, it is now time for us to return again to the work under examination. The author having discussed the whole of the first article through so many pages, without even the imputation of an incorrect or intemperate expression, except in the concluding passage (the meaning of which I trust I have explained), goes on with the same earnest disposition of the discussion of the second charge respecting the

princesses of Oude, which occupies eighteen pages, not one syllable of which the Attorney-General has read, and in which there is not even a glance at the House of Commons. The whole of this answer is, indeed, so far from being a mere cloak for the introduction of slander, that I aver it to be one of the most masterly pieces of writing I ever read in my life. From thence he goes on to the charge of contracts and salaries, which occupies five pages more, in which there is not a glance at the House of Commons nor a word read by the Attorney-General. He afterward defends Mr. Hastings against the charges respecting the opium contract. Not a glance at the House of Commons; not a word by the Attorney-General; and, in short, in this manner he goes on with the others, to the end of the book.

Now, is it possible for any human being to believe that a man having no other intention than to vilify the House of Commons (as this information charges) should yet keep his mind thus fixed and settled, as the needle to the pole, upon the serious merits of Mr. Hastings's defence, without ever straying into matter even questionable, except in the two or three selected parts out of two or three hundred pages? This is a forbearance which could not have existed if calumny and detraction had been the malignant objects which led him to the inquiry and publication. The whole fallacy, therefore, arises from holding up to view a few detached passages and carefully concealing the general tenor of the book.

Having now finished most, if not all, of these critical observations which it has been my duty to make upon this unfair mode of prosecution, it is but a tribute of common justice to the Attorney-General (and which my personal regard for him makes it more pleasant to pay) that none of my commentaries reflect in the most distant manner upon

him; nor upon the Solicitor for the Crown, who sits near me, who is a person of the most correct honor,—far from it. The Attorney-General, having orders to prosecute in consequence of the Address of the House to his Majesty, had no choice in the mode; no means at all of keeping the prosecutors before you in countenance but by the course which has been pursued. But so far has he been from enlisting into the cause those prejudices which it is not difficult to slide into a business originating from such exalted authority, he has honorably guarded you against them; pressing, indeed, severely upon my client with the weight of his ability, but not with the glare and trappings of his high office.

Gentlemen, I wish that my strength would enable me to convince you of the author's singleness of intention, and of the merit and ability of his work, by reading the whole that remains of it. But my voice is already nearly exhausted; I am sorry my client should be a sufferer by my infirmity. One passage, however, is too striking and important to be passed over; the rest I must trust to your private examination. The author having discussed all the charges, article by article, sums them all up with this striking appeal to his readers:—

"The authentic statement of facts which has been given, and the arguments which have been employed, are, I think, sufficient to vindicate the character and conduct of Mr. Hastings, even on the maxims of European policy. When he was appointed Governor-General of Bengal he was invested with a discretionary power to promote the interests of the India Company and of the British empire in that quarter of the globe. The general instructions sent to him from his constituents were 'That in all your deliberations and resolutions you make the safety and prosperity of Bengal your principal object, and fix your attention on the security of the pos-

sessions and revenues of the Company.' His superior genius sometimes acted in the spirit rather than complied with the letter of the law; but he discharged the trust and preserved the empire committed to his care in the same way and with greater splendor and success than any of his predecessors in office; his departure from India was marked with the lamentations of the natives and the gratitude of his countrymen; and on his return to England he received the cordial congratulations of that numerous and respectable society whose interests he had promoted and whose dominions he had protected and extended."

Gentlemen of the jury, if this be a wilfully false account of the instructions given to Mr. Hastings for his government, and of his conduct under them, the author and publisher of this defence deserve the severest punishment for a mercenary imposition on the public. But if it be true that he was directed to make the safety and prosperity of Bengal the first object of his attention, and that under his administration it has been safe and prosperous; if it be true that the security and preservation of our possessions and revenues in Asia were marked out to him as the great leading principle of his government, and that those possessions and revenues, amidst unexampled dangers, have been secured and preserved; then a question may be unaccountably mixed with your consideration much beyond the consequence of the present prosecution, involving, perhaps, the merit of the impeachment itself which gave it birth; a question which the Commons, as prosecutors of Mr. Hastings, should in common prudence have avoided, unless, regretting the unwieldy length of their proceedings against him, they wished to afford him the opportunity of this strange, anomalous defence; since although I am neither his counsel nor desire to have anything to do with his guilt or innocence, yet in the collateral defence of

my client I am driven to state matter which may be considered by many as hostile to the impeachment.

For if our dependencies have been secured, and their interests promoted, I am driven in the defence of my client to remark that it is mad and preposterous to bring to the standard of justice and humanity the exercise of a dominion founded upon violence and terror. It may and must be true that Mr. Hastings has repeatedly offended against the rights and privileges of Asiatic government, if he was the faithful deputy of a power which could not maintain itself for an hour without trampling upon both; he may and must have offended against the laws of God and nature if he was the faithful viceroy of an empire wrested in blood from the people to whom God and nature had given it; he may and must have preserved that unjust dominion over timorous and abject nations by a terrifying, overbearing, insulting superiority, if he was the faithful administrator of your government, which, having no root in consent or affection, no foundation in similarity of interests, no support from any one principle which cements men together in society, could be upheld only by alternate stratagem and force.

The unhappy people of India, feeble and effeminate as they are from the softness of their climate, and subdued and broken as they have been by the knavery and strength of civilization, still occasionally start up in all the vigor and intelligence of insulted nature. To be governed at all, they must be governed with a rod of iron; and our empire in the East would long since have been lost to Great Britain if civil skill and military prowess had not united their efforts to support an authority which Heaven never gave, by means which it never can sanction.

Gentlemen, I think I can observe that you are touched

with this way of considering the subject, and I can account for it. I have not been considering it through the cold medium of books, but have been speaking of man and his nature, and of human dominion, from what I have seen of them myself amongst reluctant nations submitting to our authority. I know what they feel, and how such feelings can alone be repressed. I have heard them in my youth from a naked savage, in the indignant character of a prince surrounded by his subjects, addressing the governor of a British colony, holding a bundle of sticks in his hand as the notes of his unlettered eloquence: "Who is it," said the jealous ruler over the desert encroached upon by the restless foot of English adventure,—"who is it that causes this river to rise in the high mountains, and to empty itself into the ocean? Who is it that causes to blow the loud winds of winter, and that calms them again in the summer? Who is it that rears up the shade of these lofty forests and blasts them with the quick lightning at his pleasure? The same Being who gave to you a country on the other side of the waters, and gave ours to us; and by this title we will defend it," said the warrior, throwing down his tomahawk upon the ground, and raising the war-sound of his nation. These are the feelings of subjugated man all round the globe; and, depend upon it, nothing but fear will control where it is vain to look for affection.

These reflections are the only antidotes to those anathemas of superhuman eloquence which have lately shaken the walls that surround us, but which it unaccountably falls to my province, whether I will or no, a little to stem the torrent of by reminding you that you have a mighty sway in Asia which cannot be maintained by the finer sympathies of life or the practice of its charities and affections. What will they do

for you when surrounded by two hundred thousand men, with artillery, cavalry, and elephants, calling upon you for their dominions which you have robbed them of? Justice may, no doubt, in such a case forbid the levying of a fine to pay a revolting soldiery; a treaty may stand in the way of increasing a tribute to keep up the very existence of the government; and delicacy for women may forbid all entrance into a Zenana for money, whatever may be the necessity for taking it. All these things must ever be occurring.

But under the pressure of such constant difficulties, so dangerous to national honor, it might be better, perhaps, to think of effectually securing it altogether by recalling our troops and our merchants and abandoning our Oriental empire. Until this be done neither religion nor philosophy can be pressed very far into the aid of reformation and punishment. If England, from a lust of ambition and dominion, will insist on maintaining despotic rule over distant and hostile nations, beyond all comparison more numerous and extended than herself, and gives commission to her viceroys to govern them with no other instructions than to preserve them and to secure permanently their revenues; with what color of consistency or reason can she place herself in the moral chair and affect to be shocked at the execution of her own orders; adverting to the exact measure of wickedness and injustice necessary to their execution, and complaining only of the excess as the immorality; considering her authority as a dispensation for breaking the commands of God, and the breach of them as only punishable when contrary to the ordinances of man?

Such a proceeding, gentlemen, begets serious reflections. It would be better perhaps for the masters and the servants of all such governments to join in supplication that the great

Author of violated humanity may not confound them together in one common judgment.

Gentlemen, I find, as I said before, I have not sufficient strength to go on with the remaining parts of the book. I hope, however, that notwithstanding my omissions you are now completely satisfied that whatever errors or misconceptions may have misled the writer of these pages the justification of a person whom he believed to be innocent, and whose accusers had themselves appealed to the public, was the single object of his contemplation. If I have succeeded in that object, every purpose which I had in addressing you has been answered.

It only now remains to remind you that another consideration has been strongly pressed upon you, and, no doubt, will be insisted on in reply. You will be told that the matters which I have been justifying as legal, and even meritorious, have therefore not been made the subject of complaint; and that whatever intrinsic merit parts of the book may be supposed or even admitted to possess, such merit can afford no justification to the selected passages, some of which, even with the context, carry the meaning charged by the information, and which are indecent animadversions on authority.

To this I would answer (still protesting as I do against the application of any one of the innuendoes), that if you are firmly persuaded of the singleness and purity of the author's intentions you are not bound to subject him to infamy because, in the zealous career of a just and animated composition, he happens to have tripped with his pen into an intemperate expression in one or two instances of a long work. If this severe duty were binding on your consciences, the liberty of the press would be an empty sound, and no man could

venture to write on any subject, however pure his purpose, without an attorney at one elbow and a counsel at the other.

From minds thus subdued by the terrors of punishment there could issue no works of genius to expand the empire of human reason, nor any masterly compositions on the general nature of government, by the help of which the great commonwealths of mankind have founded their establishments; much less any of those useful applications of them to critical conjunctures by which, from time to time, our own constitution, by the exertion of patriot citizens, has been brought back to its standard. Under such terrors all the great lights of science and civilization must be extinguished; for men cannot communicate their free thoughts to one another with a lash held over their heads. It is the nature of everything that is great and useful, both in the animate and inanimate world, to be wild and irregular; and we must be contented to take them with the alloys which belong to them, or live without them. Genius breaks from the fetters of criticism; but its wanderings are sanctioned by its majesty and wisdom when it advances in its path. Subject it to the critic, and you tame it into dullness. Mighty rivers break down their banks in the winter, sweeping away to death the flocks which are fattened on the soil that they fertilize in the summer; the few may be saved by embankments from drowning, but the flock must perish for hunger.

Tempests occasionally shake our dwellings and dissipate our commerce; but they scourge before them the lazy elements which, without them, would stagnate into pestilence. In like manner Liberty herself, the last and best gift of God to his creatures, must be taken just as she is: you might pare her down into bashful regularity and shape her into a perfect model of severe, scrupulous law, but she would then be Lib-

erty no longer; and you must be content to die under the lash of this inexorable justice which you had exchanged for the banners of Freedom.

If it be asked where the line to this indulgence and impunity is to be drawn, the answer is easy. The liberty of the press, on general subjects, comprehends and implies as much strict observance of positive law as is consistent with perfect purity of intention and equal and useful society. What that latitude is cannot be promulgated in the abstract, but must be judged of in the particular instance; and consequently, upon this occasion, must be judged of by you without forming any possible precedent for any other case; and where can the judgment be possibly so safe as with the members of that society which alone can suffer if the writing is calculated to do mischief to the public? You must therefore try the book by that criterion and say whether the publication was premature and offensive; or, in other words, whether the publisher was bound to have suppressed it until the public ear was anticipated and abused, and every avenue to the human heart or understanding secured and blocked up? I see around me those by whom, by and by, Mr. Hastings will be most ably and eloquently defended; but I am sorry to remind my friends that, but for the right of suspending the public judgment concerning him till their season of exertion comes round, the tongues of angels would be insufficient for the task.

Gentlemen, I hope I have now performed my duty to my client — I sincerely hope that I have; for, certainly, if ever there was a man pulled the other way by his interests and affections, if ever there was a man who should have trembled at the situation in which I have been placed on this occasion, it is myself, who not only love, honor, and respect, but whose

future hopes and preferments are linked, from free choice, with those who, from the mistakes of the author, are treated with great severity and injustice. These are strong retardments; but I have been urged on to activity by considerations which can never be inconsistent with honorable attachments, either in the political or social world — the love of justice and of liberty, and a zeal for the constitution of my country, which is the inheritance of our posterity, of the public, and of the world. These are the motives which have animated me in defence of this person, who is an entire stranger to me; whose shop I never go to; and the author of whose publication — or Mr. Hastings, who is the object of it — I never spoke to in my life.

One word more, gentlemen, and I have done. Every human tribunal ought to take care to administer justice as we look hereafter to have justice administered to ourselves. Upon the principle on which the Attorney-General prays sentence upon my client — God have mercy upon us! Instead of standing before him in judgment with the hopes and consolations of Christians, we must call upon the mountains to cover us; for which of us can present, for omniscient examination, a pure, unspotted, and faultless course? But I humbly expect that the benevolent Author of our being will judge us as I have been pointing out for your example. Holding up the great volume of our lives in his hands, and regarding the general scope of them — if he discovers benevolence, charity, and good will to man beating in the heart where he alone can look; if he finds that our conduct, though often forced out of the path by our infirmities, has been in general well directed; his all-searching eye will assuredly never pursue us into those little corners of our lives, much less will his justice select them for punishment without the

general context of our existence, by which faults may be sometimes found to have grown out of virtues, and very many of our heaviest offences to have been grafted by human imperfection upon the best and kindest of our affections.

No, gentlemen, believe me, this is not the course of divine justice, or there is no truth in the gospels of Heaven. If the general tenor of a man's conduct be such as I have represented it, he may walk through the shadow of death, with all his faults about him, with as much cheerfulness as in the common paths of life; because he knows that, instead of a stern accuser to expose before the Author of his nature those frail passages which, like the scored matter in the book before you, checker the volume of the brightest and best-spent life, his mercy will obscure them from the eye of his purity, and our repentance blot them out forever.

All this would, I admit, be perfectly foreign and irrelevant if you were sitting here in a case of property between man and man, where a strict rule of law must operate or there would be an end of civil life and society. It would be equally foreign, and still more irrelevant, if applied to those shameful attacks upon private reputation which are the bane and disgrace of the press; by which whole families have been rendered unhappy during life by aspersions cruel, scandalous, and unjust. Let such libellers remember that no one of my principles of defence can at any time, or upon any occasion, ever apply to shield them from punishment; because such conduct is not only an infringement of the rights of men, as they are defined by strict law, but is absolutely incompatible with honor, honesty, or mistaken good intention.

On such men let the Attorney-General bring forth all the artillery of his office, and the thanks and blessings of the whole public will follow him. But this is a totally different

case. Whatever private calumny may mark this work, it has not been made the subject of complaint, and we have therefore nothing to do with that, nor any right to consider it. We are trying whether the public could have been considered as offended and endangered if Mr. Hastings himself, in whose place the author and publisher have a right to put themselves, had, under all the circumstances which have been considered, composed and published the volume under examination. That question cannot, in common sense, be anything resembling a question of law, but is a pure question of fact, to be decided on the principles which I have humbly recommended. I therefore ask of the Court that the book itself may now be delivered to you. Read it with attention, and as you shall find it, pronounce your verdict.

WINDHAM

WILLIAM WINDHAM, a noted English statesman and orator, was born in London May 3, 1750, and died there on June 4, 1810. His education was obtained at Eton, Glasgow University, and University College, Oxford. In 1778 he became a member of the Literary Club, where he made the acquaintance of Dr. Johnson and Edmund Burke, whom he afterwards counted among his intimate and lifelong friends. He entered Parliament in 1784 as member for Norwich, and for a time voted with the opposition, but becoming alarmed, like his friend Burke, at the excesses of the French Revolution, supported warmly the most repressive measures of the government for a few years. In 1787 he was one of the managers of the impeachment of Warren Hastings. During Pitt's administration, 1794-1801, Windham was secretary of war and did much to further the comfort of the soldier. He held the same office, 1806-07, and again pursued his policy of increasing the efficiency of the army by improving the condition of the individual soldier. On account of his opposition to the Peace of Amiens in 1802 Windham lost his seat in Parliament in June of that year, but returned to the House in a few weeks as member for Saint Mawes in Cornwall. He henceforward continued in the Opposition ranks, energetically denouncing the Copenhagen expedition in 1807 and the Scheldt expedition in 1810. Windham was a man of fine presence, often very eloquent, and always a clear and keen debater. His integrity was never questioned, and although his political enemies termed him "Weathercock Windham" the epithet seems to have been undeserved. He declined a peerage in 1806, preferring to remain in the House of Commons. He was an accomplished scholar and in 1802 founded the "Political Register" in company with William Cobbett, whom he greatly admired. His "Diary from 1784 to 1810" was published in 1866, and his "Speeches in Parliament," with memoir, by Amyot, in 1806. In 1837 his "Select Speeches," with biographical sketch by Walsh, were issued in Philadelphia.

ON THE PLACE OF AMIENS

FROM SPEECH DELIVERED NOVEMBER 4, 1801

SIR,—The word "eternal," which in any use of it is sufficiently awful, will undoubtedly not be least so when associated with the idea of war. But I must beg leave to remind the House of a circumstance, of which they and the country seem never to have been at all aware, that the question of eternal war is one which is not left for us to

decide. It is a question which must be asked of our enemies: and is not less proper to be asked, if we could hope that they would answer us, at the present moment, than it was before the signature of the preliminaries. The war depends neither upon conventions to be entered into between the two governments, nor upon acts of hostility which may be committed between the two people by land or on the high seas; but on the existence or non-existence of that fixed, rooted, determined purpose which France has hitherto had, and which we have no reason whatever to think she has relinquished — of accomplishing the final overthrow of this country. While that purpose exists and shall be acted upon we are at war, call our state by what name you please; and the only question is whether France cannot work as effectually to her purpose in peace; and if peace is made in a certain way, infinitely more effectually than she can in what is professedly and declaredly war.

I would really wish to ask whether gentlemen have never heard of a people called the Romans, a set of republicans who conquered the world in the old time; and whom the modern Romans take as their model in every respect, but in none more than in what relates to the overthrow of this country? Among the nations that fell under the Roman yoke, there are but few whom they were able to fetch down at a blow, to reduce in the course of a single war.

All their greater antagonists, particularly the state whose fate is chosen as a prototype of our own, were not reduced till after repeated attacks, till after several successive and alternative processes of war and peace: a victorious war preparing the way for an advantageous peace; and an advantageous peace again laying the foundation of a successful war.

This was at least the conduct of a great people; a people not to be put aside from their purposes by every transient blast of fortune. They had vowed the destruction of Carthage; and they never rested from their design till they had seen it finally accomplished. The emulators of their fortune in the present day are in no less a degree the emulators of their virtues; at least of those qualities, whatever they may be, that give to man a command over his fellows.

When I look at the conduct of the French revolutionary rulers as compared with that of their opponents; when I see the grandeur of their designs; the wisdom of their plans; the steadiness of their execution; their boldness in acting; their constancy in enduring; their contempt of all small obstacles and temporary embarrassments; their inflexible determination to perform such and such things; and the powers which they have displayed in acting up to that determination; when I contrast these with the narrow views, the paltry interests, the occasional expedients, the desultory and wavering conduct, the want of all right feeling and just conception, that characterize so generally the governments and nations opposed to them, I confess I sink down in despondency and am fain to admit that if they shall have conquered the world it will be by qualities by which they deserve to conquer it. Never were there persons who could show a fairer title to the inheritance which they claim.

The great division of mankind made by a celebrated philosopher of old, into those who were formed to govern and those who were born only to obey, was never more strongly exemplified than by the French nation and those who have sunk, or are sinking, under their yoke.

Let us not suppose, therefore, that while these qualities, combined with these purposes, shall continue to exist, they

will ever cease, by night or by day, in peace or in war, to work their natural effect, to gravitate towards their proper centre; or that the bold, the proud, the dignified, the determined, those who will great things, and will stake their existence upon the accomplishment of what they have willed, shall not finally prevail over those who act upon the very opposite feelings; who will "never push their resistance beyond their convenience;" who ask for nothing but ease and safety; who look only to stave off the evil for the present day and will take no heed of what may befall them on the morrow.

We are therefore, in effect, at war at this moment; and the only question is, whether the war that will henceforward proceed under the name of peace is likely to prove less operative and fatal than that which has hitherto appeared in its natural and ordinary shape. That such is our state is confessed by the authors themselves of the present treaty, in the measures which they feel it necessary to recommend to the House.

When did we ever hear before of a military establishment necessary to be kept up in time of peace? The fact is that we know that we are not at peace; not such as is fit to be so called, nor that in which we might hope to sit down, for some time at least, in confidence and security, in the free and undisturbed enjoyment of the blessings which we possess. We are in that state in which the majority, I believe, of those who hear me are in their hearts more desirous that we should be, then, in our present prostrate and defenceless situation, they may think it prudent to avow — in a state of armed truce; and then the only questions will be, at what price we purchase this truce; what our condition will be while it lasts; and in what state it is likely to leave us should it terminate otherwise than as we are willing to suppose.

This brings us at once to the point. If we are to come at last only to an armed truce, would it not have been a shorter and better course to turn our war into an armed truce, into which in fact it had pretty much turned itself, rather than to take the roundabout way which has been now adopted, of making peace by the sacrifice of all the means of future war, in order afterwards to form an armed truce out of that peace? Let us state the account and consider the loss and profit on either side.

The evils of war are, generally speaking, to be comprised under three heads: the loss of lives and the consequent affliction brought upon friends and families; the loss of money, meaning, by that, money expended in a way not to be beneficial to the country that raises it; and the loss of money in another sense, that is to say, money not got; by which I mean the interruption given to national industry, and the diminution of the productions thence arising, either by the number of hands withdrawn from useful labor (which is probably however but little material), or by the embarrassments and restraints which in a state of war impede and clog the operations of commerce. I do not mean that there are not in war evils which may be said not to be included properly under any of the above heads; among which may be numbered the distress arising from sudden changes of property, even when the persons who lose and those who acquire are equally parts of the same community.

This, however, is an evil that will be more felt at the beginning than in the later periods of a war; and will in fact be likewise felt, though in a less degree, by a transition even from war to peace. The enumeration now made, however, may be sufficiently correct for the present purpose. And with this in our hands let us consider in what so very

violent a degree the present armed truce, or peace, if you choose to call it so, differs from what might have been our state in the case so much dreaded and deprecated, of a continuation of the war.

To take the last first,—the loss of national wealth by the interruption given to commerce and industry; such is the singular nature of this war, such the unexampled consequence with which it has been attended, that it becomes a question, and one in itself of the most anxious and critical importance, on which side of the account the consequences of peace in this respect are to be placed; whether, instead of balancing the dangers of peace, if such there are, by accessions which it will bring to our wealth and commerce, we are not rather called upon to prove some great advantages which peace will give us in respect of security, in order to balance the diminution likely to be produced by it in our commercial opulence. That our commerce will suffer at the long run admits, I fear, of no doubt.

If my apprehensions are just, it is in the diminution of our manufactures and commerce that the approaches of our ruin will first be felt: but is any one prepared to say that this may not happen in the first instance? We have at present, subject to the inconvenience which war produces, nothing less than the commerce of the whole world. There is no part of the world to which our goods do not pass freely in our own ships; while not a single merchant-ship, with the enemy's flag on board, does at this moment swim the ocean. Is this a state of things to be lightly hazarded? Does the hope of bettering this condition, even in the minds of those most sanguine, so much outweigh the fear of injuring it that these opposite chances can upon the whole be stated otherwise than as destroying each other; and that of consequence,

in the comparison of war and peace, the prospect of increased industry and commerce, which in general tells so much in favor of peace, must not here be struck out of the account? On this head the question between peace and war stands, to say the least of it, evenly balanced.

The next of these heads, the first indeed in point of consequence, but the next in the order in which it is here convenient to consider them, is the loss of lives and the effect which war is likely to have on private and individual happiness. No man can pretend to say that war can continue upon any footing, however restricted the circle of hostilities, without the lives of men being liable to be sacrificed; and no such sacrifice can be justified or reconciled to the feelings of any one but by that which must justify every such sacrifice, however great the extent — the safety and essential interests of the state. But if ever there was a war in which such sacrifices seemed likely to be few, not as an effect of any choice of ours, but by the necessary course of events, it was that which we should have had to carry on in future with the Republic of France.

The great and destructive operations of war, the conflict of fleets or armies, or the consumption of men in unwholesome climates and distant expeditions, had ceased of themselves. I know not what expeditions we should have had to prosecute, unless new cases should have arisen, similar to that of the ever-memorable one of Egypt, where, the same motives existing, we should be sorry indeed not to have the means of acting upon them. But in general, our fleets would have remained quietly at their stations, and our armies have lived at home: the whole question reduces itself to a mere question of expense; and that again pretty much to a mere question of establishment. The great heads of war

expenditure, the army extraordinaries, would, on most parts, have ceased; and in the rest have been greatly reduced.

The chief question will be, not between an ordinary peace establishment and a war, such as, from circumstances, ours has hitherto been, involving expeditions to all parts of the globe; but between a peace establishment, such as that which is now declared to be necessary, and a war which had become, and was likely to continue, merely defensive; in which we should have had nothing to do but to maintain a competent force with little prospect of being obliged to make use of it. The advocates for the present peace must find themselves always in an awkward dilemma between economy and safety. We make peace in order to save our money; if we reduce our establishments what becomes of our security? if we keep up our establishments what becomes of our savings? Whatever you give to one object is unavoidably taken from the other.

The savings of the present peace, therefore, can be looked for only between the narrow limits of a high peace and a low war establishment; or, to state the case more correctly, between a high peace establishment and a war, reduced in the manner that I have described. I wish that a correct estimate were formed of the difference, in point of expense, between these two states; recollecting always that among the expenses of peace are to be counted the provisions necessary against the new dangers brought by the peace itself; the new dangers, for example, with which Jamaica and all our West India islands are threatened by the establishment of the French in Saint Domingo and other parts of that quarter of the world; the new dangers to which our empire in the East is exposed by the re-entry of the French into the peninsula of India, and the cession to them, for such in effect it

is, of the Cape and Cochin: in general, by the free passage now given to their ships and armies into every part of the world, and the establishment of them everywhere in the neighborhood of our most valuable possessions.

Against all these dangers war provided, as it were, by its own single act. The existence of our fleets upon the ocean, with an admiralty order "to burn, sink, and destroy," shut up at once, as under lock and key, all those attempts which are now let loose and require as many separate defences as there are parts liable to be attacked. A fleet cruising before Brest, therefore, was not to be considered as so much clear expense to be charged to the account of the war, without deducting the expense of additional troops and additional ships which the absence of the fleet might require to be kept, for instance, in the West Indies.

With respect to home defence. Considering the little reliance to be placed upon the government in France now subsisting; the still greater uncertainty with respect to any future government (such as may arise at any moment); and the increased defence necessary on land, in proportion to the diminution of our force by sea; I know not how we can remain secure with a military establishment much less considerable than that which we should have had to maintain here in the case of war. So much for the expenses of peace. . . .

I have never pretended to say that there were not dangers in war as unquestionably there are great evils; I have said only that there were evils and dangers, not less real and certain, in peace, particularly in a peace made on such terms as the present. For terms of peace, in spite of what we hear talked, have something to do with rendering our situation more or less secure even in those

respects in which they are supposed to operate least. In general, though terms, however advantageous, would not secure us against the mischiefs of French fraternity and the infusions of French principles and morals, yet they would make a little difference, I apprehend, as to the effect which peace would produce in the feelings of Europe; as to the air of success and triumph which it would give to the enemy, and of defeat and humiliation which it would impress upon us; as to the consequences resulting from thence, even with respect to the propagation of French principles, but certainly as to the confirmation of French power; and, above all, as to the situation in which we should stand should France choose to force us again into a war.

The port of Malta, strong as it is, would not, literally, serve as a bulwark to stop the incursions of Jacobinism: figuratively it would not be without its effect in that way: yet there would be some difference, I conceive, at the beginning of a war, whether we were in possession of Malta or not; and in the meanwhile the knowledge of that difference, in the minds of the enemy and of ourselves, would be quickly felt in any discussions which might take place between us in time of peace.

The dangers of peace, therefore, are augmented a hundred-fold by terms at once so degrading and injurious as those to which we have submitted: on any terms on which it could have been concluded it would have had its dangers, and dreadful ones, too; France remaining a revolutionary government, and being, as it is, in possession of Europe. Whether that evil must not ultimately have been submitted to; whether the hopes of change, either from coalitions without or commotions within, might not have become so small, and the evils of war, however mitigated, so great, that we

must have made up our minds, after taking the best securities against those dangers that we could, finally to have acquiesced in them, is a separate question which I will not now discuss.

But the time, in my opinion, was not come when such unqualified acquiescence on our part was requisite; when we were to cease to inquire what those securities were; or when we ought to have taken up with such securities, if securities they can be called, as are offered by the present treaty. The great misfortune has been that this question of peace has never yet been fully and fairly before the country. We have been taken up with the war; that was the side of the alternative next to us; and have never yet, till it was too late, had our attention fairly directed, or, I must say, fairly summoned, to the dreadful picture on the other side. If we had, we should never have heard, except among the ignorant and disaffected, of joy and exultation through the land at a peace such as the present.

CURRAN

JOHN PHILPOT CURRAN, an Irish judge, famous alike for his wit and his eloquence, was born at Newmarket, near Cork, July 24, 1750. He was educated at Trinity College, Dublin, and the Middle Temple in London, and was called to the Irish bar in 1775. After several years' successful practice of his profession he entered the Irish House of Commons in 1783, where he was usually found with the Opposition, led by Grattan. After the rebellion of 1798 he defended the Irish leaders of the revolt, in their trials for treason, at considerable danger to himself, and was strongly opposed to the subsequent union of England and Ireland in 1801. Curran's daughter, Sarah, was secretly betrothed to the young patriot Emmet, who was executed for his share in the rising of 1803, and to her are addressed Moore's lines, "She is far from the land where her young hero sleeps." When the Whigs came into power in 1806, on the death of Pitt, Curran was appointed master of the rolls of Ireland. He retired from office on a pension in 1817, and died in London, October 14, 1817. He was below middle height and was noted for his ugly features. His speeches were usually prepared, though not written, beforehand; in style they are often pompous, but they contain many eloquent passages. Croker said of him, "You began by being prejudiced against him by his bad character and his ill-looking appearance, like the devil with his tail cut off, and you were at last carried away by his splendid language and by the power of his metaphors." Curran's wit was remarkable and his conversation of the most brilliant character. He had many faults, but his integrity was never questioned.

SPEECH IN BEHALF OF ROWAN

[This famous speech was delivered January 29, 1794. Drennan and Rowan were brought before the court of king's bench for a seditious libel, not by a presentment of the grand jury, but by an information of the attorney-general. The former was acquitted on a mere point of form; the trial of the latter gave rise to this speech. In justice to Mr. Curran, one thing should be remembered in perusing it. Mr. Rowan had given directions that his counsel should aim not so much to obtain his acquittal as to defend his principles. This accounts for the want of that close argument on the exact point at issue, which has been the chief objection to this speech. Its true title would be, "A Vindication of Mr. Rowan's Motives, of the Irish Volunteers, of a Free Press, and of Catholic Emancipation."]

GENTLEMEN OF THE JURY,— When I consider the period at which this prosecution is brought forward; when I behold the extraordinary safeguard of armed soldiers, resorted to, no doubt, for the preservation of

peace and order; when I catch, as I cannot but do, the throb of public anxiety, which beats from one end to the other of this hall; when I reflect on what may be the fate of a man of the most beloved personal character, of one of the most respected families of our country — himself the only individual of that family—I may almost say of that country: who can look to that possible fate with unconcern? Feeling, as I do, all these impressions, it is in the honest simplicity of my heart I speak, when I say that I never rose in a court of justice with so much embarrassment as upon this occasion.

If, gentlemen, I could entertain a hope of finding refuge for the disconcertion of my mind in the perfect composure of yours; if I could suppose that those awful vicissitudes of human events, which have been stated or alluded to, could leave your judgments undisturbed and your hearts at ease, I know I should form a most erroneous opinion of your character. I entertain no such chimerical hopes; I form no such unworthy opinions; I expect not that your hearts can be more at ease than my own; I have no right to expect it; but I have a right to call upon you in the name of your country, in the name of the living God, of whose eternal justice you are now administering that portion which dwells with us on this side of the grave, to discharge your breasts, as far as you are able, of every bias of prejudice or passion; that if my client is guilty of the offence charged upon him you may give tranquillity to the public by a firm verdict of conviction; or if he is innocent, by as firm a verdict of acquittal; and that you will do this in defiance of the paltry artifices and senseless clamors that have been resorted to in order to bring him to his trial with anticipated conviction. And, gentlemen, I feel an additional necessity of thus conjuring you to be upon your guard, from the able and imposing statement which you have just heard on the

part of the prosecution. I know well the virtues and the talents of the excellent person who conducts that prosecution; I know how much he would disdain to impose upon you by the trappings of office; but I also know how easily we mistake the lodgment which character and eloquence can make upon our feelings, for those impressions that reason, and fact, and proof, only ought to work upon our understandings.

Perhaps, gentlemen, I shall not act unwisely in waiving any further observation of this sort, and giving your minds an opportunity of growing cool and resuming themselves by coming to a calm and uncolored statement of mere facts, premising only to you that I have it in the strictest injunction from my client to defend him upon facts and evidence only, and to avail myself of no technical artifice or subtilty that could withdraw his cause from the test of that inquiry which it is your province to exercise, and to which only he wishes to be indebted for an acquittal.

In the month of December, 1792, Mr. Rowan was arrested on an information charging him with the offence for which he is now on his trial. He was taken before an honorable personage now on that bench and admitted to bail. He remained a considerable time in this city, soliciting the threatened prosecution, and offering himself to a fair trial by a jury of his country; but it was not then thought fit to yield to that solicitation; nor has it now been thought proper to prosecute him in the ordinary way by sending up a bill of indictment to a grand jury. I do not mean by this to say that informations *ex officio* are always oppressive or unjust; but I cannot but observe to you that when a petty jury is called upon to try a charge not previously found by the grand inquest, and supported by the naked assertion only of the King's prosecutor, the accusation labors under a weakness of probability which it

is difficult to assist. If the charge had no cause of dreading the light, if it was likely to find the sanction of a grand jury, it is not easy to account why it deserted the more usual, the more popular, and the more constitutional mode, and preferred to come forward in the ungracious form of *ex officio* information.

If such bill had been sent up and found, Mr. Rowan would have been tried at the next commission; but a speedy trial was not the wish of his prosecutors. An information was filed, and when he expected to be tried upon it, an error, it seems, was discovered in the record. Mr. Rowan offered to waive it, or consent to any amendment desired. No. That proposal could not be accepted. A trial must have followed. That information, therefore, was withdrawn, and a new one filed; that is, in fact, a third prosecution was instituted upon the same charge. This last was filed on the eighth day of last July. Gentlemen, these facts cannot fail of a due impression upon you. You will find a material part of your inquiry must be, whether Mr. Rowan is pursued as a criminal or hunted down as a victim. It is not, therefore, by insinuation or circuity, but it is boldly and directly that I assert that oppression has been intended and practised upon him; and by those facts which I have stated I am warranted in the assertion.

His demand, his entreaty to be tried was refused; and why? A hue and cry was to be raised against him; the sword was to be suspended over his head; some time was necessary for the public mind to become heated by the circulation of artful clamors of anarchy and rebellion; those same clamors which, with more probability and not more success, had been circulated before through England and Scotland. In this country the causes and the swiftness of their progress were as obvious

as their folly has since become to every man of the smallest observation. I have been stopped myself with, "Good God, sir, have you heard the news?" "No, sir, what?" "Why, one French emissary was seen travelling through Connaught in a post-chaise, and scattering from the windows, as he passed, little doses of political poison, made up in square bits of paper; another was actually surprised in the fact of seducing our good people from their allegiance by discourses upon the indivisibility of French robbery and massacre, which he preached in the French language to a congregation of Irish peasants!"

Such are the bugbears and spectres to be raised to warrant the sacrifice of whatever little public spirit may remain among us; but time has also detected the imposture of these Cock-lane apparitions, and you cannot now, with your eyes open, give a verdict without asking your consciences this question: Is this a fair and honest prosecution? Is it brought forward with the single view of vindicating public justice and promoting public good?

And here let me remind you that you are not convened to try the guilt of a libel affecting the personal character of any private man. I know no case in which a jury ought to be more severe than when personal calumny is conveyed through a vehicle which ought to be consecrated to public information; neither, on the other hand, can I conceive any case in which the firmness and the caution of a jury should be more exerted than when a subject is prosecuted for a libel on the state. The peculiarity of the British constitution (to which, in its fullest extent, we have an undoubted right, however distant we may be from the actual enjoyment, and in which it surpasses every known government in Europe, is this, that its only professed object is the general good, and its

only foundation the general will. Hence the people have a right, acknowledged from time immemorial, fortified by a pile of statutes, and authenticated by a revolution that speaks louder than them all, to see whether abuses have been committed, and whether their properties and their liberties have been attended to as they ought to be. This is a kind of subject which I feel myself overawed when I approach. There are certain fundamental principles which nothing but necessity should expose to a public examination. They are pillars the depth of whose foundation you cannot explore without endangering their strength; but let it be recollected that the discussion of such topics should not be condemned in me nor visited upon my client. The blame, if any there be, should rest only with those who have forced them into discussion. I say, therefore, it is the right of the people to keep an eternal watch upon the conduct of their rulers; and in order to that, the freedom of the press has been cherished by the law of England. In private defamation let it never be tolerated; in wicked and wanton aspersion upon a good and honest administration let it never be supported; not that a good government can be exposed to danger by groundless accusation, but because a bad government is sure to find in the detected falsehood of a licentious press a security and a credit which it could never otherwise obtain.

I have said that a good government cannot be endangered: I say so again; for whether it be good or bad can never depend upon assertion; the question is decided by simple inspection; to try the tree look at its fruit; to judge of the government look at the people. What is the fruit of good government? "The virtue and happiness of the people." Do four millions of people in this country gather those fruits from that government to whose injured purity, to whose spot-

less virtue and violated honor, this seditious and atrocious libeller is to be immolated upon the altar of the constitution? To you, gentlemen of that jury, who are bound by the most sacred obligation to your country and your God to speak nothing but the truth, I put the question — Do they gather these fruits? are they orderly, industrious, religious, and contented? do you find them free from bigotry and ignorance, those inseparable concomitants of systematic oppression? or, to try them by a test as unerring as any of the former, are they united? The period has now elapsed in which considerations of this extent would have been deemed improper to a jury; happily for these countries the legislature of each has lately changed, or, perhaps, to speak more properly, revived and restored the law respecting trials of this kind. For the space of thirty or forty years a usage had prevailed in Westminster Hall by which the judges assumed to themselves the decision of the question whether libel or not. But the learned counsel for the prosecution are now obliged to admit that this is a question for the jury only to decide. You will naturally listen with respect to the opinion of the court, but you will receive it as matter of advice, not as matter of law; and you will give it credit, not from any adventitious circumstances of authority, but merely so far as it meets the concurrence of your own understandings.

Give me leave, now, to state to you the charge as it stands upon the record: It is that Mr. Rowan, "being a person of a wicked and turbulent disposition, and maliciously designing and intending to excite and diffuse among the subjects of this realm of Ireland discontents, jealousies, and suspicions of our Lord the King and his government, and disaffection and disloyalty to the person and government of our said Lord the King, and to raise very dangerous seditions and tumults within

this kingdom of Ireland and to draw the government of this kingdom into great scandal, infamy, and disgrace; and to incite the subjects of our said Lord the King to attempt, by force and violence and with arms, to make alterations in the government, state, and constitution of this kingdom; and to incite his Majesty's said subjects to tumult and anarchy, and to overturn the established constitution of this kingdom, and to overawe and intimidate the legislature of this kingdom by armed force," did "maliciously and seditiously" publish the paper in question.

Gentlemen, without any observation of mine you must see that this information contains a direct charge upon Mr. Rowan; namely, that he did, with the intents set forth in the information, publish this paper, so that here you have, in fact, two or three questions for your decision: first, the matter of fact of the publication; namely, Did Mr. Rowan publish that paper? If Mr. Rowan did not, in fact, publish that paper, you have no longer any question on which to employ your minds. If you think that he was in fact the publisher, then, and not till then, arises the great and important subject to which your judgments must be directed. And that comes shortly and simply to this, is the paper a libel; and did he publish it with the intent charged in the information? But whatever you may think of the abstract question whether the paper be libellous or not, and of which paper it has not even been insinuated that he is the author, there can be no ground for a verdict against him unless you also are persuaded that what he did was done with a criminal design. I wish, gentlemen, to simplify, and not to perplex; I therefore say again, if these three circumstances conspire — that he published it, that it was a libel, and that it was published with the purposes alleged in the information—you ought unquestionably to find him

guilty; if, on the other hand, you do not find that all these circumstances concurred; if you cannot, upon your oaths, say that he published it; if it be not in your opinion a libel; and if he did not publish it with the intention alleged; I say upon the failure of any one of these points my client is entitled, in justice and upon your oaths, to a verdict of acquittal.

Gentlemen, Mr. Attorney-General has thought proper to direct your attention to the state and circumstances of public affairs at the time of this transaction: let me also make a few retrospective observations on a period at which he has but slightly glanced; I speak of the events which took place before the close of the American war. You know, gentlemen, that France had espoused the cause of America, and we became thereby engaged in war with that nation. "*Heu nescia mens hominum futuri!*" [1]

Little did that ill-fated monarch know that he was forming the first causes of those disastrous events that were to end in the subversion of his throne, in the slaughter of his family, and the deluging of his country with the blood of his people. You cannot but remember that at a time when we had scarcely a regular soldier for our defence, when the old and the young were alarmed and terrified with the apprehension of invasion, Providence seemed to have worked a sort of miracle in our favor.

You saw a band of armed men come forth at the great call of nature, of honor, and their country. You saw men of the greatest wealth and rank; you saw every class of the community give up its members and send them armed into the field to protect the public and private tranquillity of Ireland. It is impossible for any man to turn back to that period without

[1] "Such are the minds of men!
Unconscious of their fate and coming fortune."

reviving those sentiments of tenderness and gratitude which then beat in the public bosom; to recollect amid what applause, what tears, what prayers, what benedictions, they walked forth among spectators agitated by the mingled sensations of terror and reliance, of danger and protection, imploring the blessings of heaven upon their heads and its conquest upon their swords. That illustrious, and adored, and abused body of men stood forward and assumed the title which I trust the ingratitude of their country will never blot from its history, "The Volunteers of Ireland."

Give me leave, now, with great respect, to put one question to you: Do you think the assembling of that glorious band of patriots was an insurrection? Do you think the invitation to that assembling would have been sedition? They came under no commission but the call of their country; unauthorized and unsanctioned except by public emergency and public danger. I ask, was that meeting an insurrection or not? I put another question: If any man had then published a call on that body, and stated that war was declared against the state; that the regular troops were withdrawn; that our coasts were hovered round by the ships of the enemy; that the moment was approaching when the unprotected feebleness of age and sex, when the sanctity of habitation, would be disregarded and profaned by the brutal ferocity of a rude invader: if any man had then said to them, "Leave your industry for a while, that you may return to it again, and come forth in arms for the public defence,"—I put this question boldly to you, gentlemen,—it is not the case of the Volunteers of that day; it is the case of my client at this hour, which I put to you,—would that call have been then pronounced in a court of justice, or by a jury on their oaths, a criminal and seditious invitation to insurrection? If it would

not have been so then; upon what principle can it be so now? What is the force and perfection of the law?

It is the permanency of the law; it is that whenever the fact is the same the law is also the same; it is that the law remains a written, monumented, and recorded letter, to pronounce the same decision upon the same facts whenever they shall arise. I will not affect to conceal it; you know there has been an artful, ungrateful, and blasphemous clamor raised against these illustrious characters, the saviors of the kingdom of Ireland.

Having mentioned this, let me read a few words of the paper alleged to be criminal: "You first took up arms to protect your country from foreign enemies and from domestic disturbance. For the same purposes it now becomes necessary that you should resume them."

I should be the last in the world to impute any want of candor to the right honorable gentleman who has stated the case on behalf of the prosecution; but he has certainly fallen into a mistake which, if not explained, might be highly injurious to my client. He supposed that this publication was not addressed to the old Volunteers, but to new combinations of them, formed upon new principles and actuated by different motives. You have the words to which this construction is imputed upon the record; the meaning of his mind can be collected only from those words which he has made use of to convey it. The guilt imputable to him can only be inferred from the meaning ascribable to those words. Let his meaning then be fairly collected by resorting to them.

Is there a foundation to suppose that this address was directed to any such body of men as has been called a banditti, with what justice it is unnecessary to inquire, and not to the old Volunteers? As to the sneer at the phrase "citizen

soldiers," I should feel that I was treating a very respected friend with an insidious and unmerited unkindness if I affected to expose it by any gravity of refutation. I may, however, be permitted to observe that those who are supposed to have disgraced this expression by adopting it have taken it from the idea of the British constitution, "that no man, in becoming a soldier, ceases to be a citizen." Would to God, all enemies as they are, that that unfortunate people had borrowed more from that sacred source of liberty and virtue! and would to God, for the sake of humanity, that they had preserved even the little they did borrow! If even there could be an objection to that appellation it must have been strongest when it was first assumed. To that period the writer manifestly alludes; he addresses those who first took up arms: "You first took up arms to protect your country from foreign enemies and from domestic disturbance. For the same purpose it is now necessary that you should resume them." Is this applicable to those who had never taken up arms before?

"A proclamation," says this paper, "has been issued in England for embodying the militia, and a proclamation has been issued by the Lord Lieutenant and Council in Ireland for repressing all seditious associations. In consequence of both these proclamations it is reasonable to apprehend danger from abroad and danger at home."

God help us; from the situation of Europe at that time we were threatened with too probable danger from abroad, and I am afraid it was not without foundation that we were told our having something to dread at home.

I find much abuse has been lavished on the disrespect with which the proclamation is treated in that part of the paper alleged to be a libel. To that my answer for my client is

short; I do conceive it competent to a British subject, if he thinks that a proclamation has issued for the purpose of raising false terrors,—I hold it to be not only the privilege but the duty of a citizen to set his countrymen right with respect to such misrepresented danger; and until a proclamation in this country shall have the force of law the reason and grounds of it are surely at least questionable by the people.

Nay, I will go further; if an actual law had received the sanction of the three estates, if it be exceptionable in any matter, it is warrantable to any man in the community to state, in a becoming manner, his ideas upon it. And I should be at a loss to know, if the positive laws of Great Britain are thus questionable, upon what ground the proclamation of an Irish government should not be open to the animadversion of an Irish subject.

Whatever be the motive, or from whatever quarter it arises, says this paper, "alarm has arisen." Gentlemen, do you not know that to be the fact? It has been stated by the Attorney-General, and most truly, that the most gloomy apprehensions were entertained by the whole country. "You Volunteers of Ireland are therefore summoned to arms at the instance of government as well as by the responsibility attached to your character and the permanent obligations of your institution." I am free to confess, if any man assuming the liberty of a British subject to question public topics should, under the mask of that privilege, publish a proclamation inviting the profligate and seditious, those in want and those in despair, to rise up in arms to overawe the legislature, to rob us of whatever portion of the blessings of a free government we possess, I know of no offence involving greater enormity. But that, gentlemen, is the question you are to try.

If my client acted with an honest mind and fair intention,

and, having, as he believed, the authority of government to support him in the idea that danger was to be apprehended, did apply to that body of so known and so revered a character, calling upon them by their former honor, the principle of their glorious institution, and the great stake they possessed in their country; if he interposed, not upon a fictitious pretext, but a real belief of actual and imminent danger, and that their arming at that critical moment was necessary to their country, —his intention was not only innocent, but highly meritorious.

It is a question, gentlemen, upon which you only can decide; it is for you to say whether it was criminal in the defendant to be so misled, and whether he is to fall a sacrifice to the prosecution of that government by which he was so deceived. I say again, gentlemen, you can look only to his own words as the interpreter of his meaning, and to the state and circumstances of his country, as he was made to believe them, as the clue to his intention. The case, then, gentlemen, is shortly and simply this: a man of the first family and fortune and character and property among you reads a proclamation stating the country to be in danger from abroad and at home, and thus alarmed—thus upon authority of the prosecutor alarmed—applies to that august body before whose awful presence sedition must vanish and insurrection disappear.

You must surrender, I hesitate not to say it, your oaths to unfounded assertion, if you can submit to say that such an act of such a man, so warranted, is a wicked and seditious libel. If he was a dupe, let me ask you who was the impostor? I blush and I shrink with shame and detestation from that meanness of dupery and servile complaisance which could make that dupe a victim to the accusation of that impostor.

You perceive, gentlemen, that I am going into the merits of this publication before I apply myself to the question which

is first in order of time, namely, whether the publication, in point of fact, is to be ascribed to Mr. Rowan or not. I have been unintentionally led into this violation of order. I should effect no purpose of either brevity or clearness by returning to the more methodical course of observation. I have been naturally drawn from it by the superior importance of the topic I am upon, namely, the merit of the publication in question.

This publication, if ascribable at all to Mr. Rowan, contains four distinct subjects. The first the invitation to the Volunteers to arm. Upon that I have already observed; but those that remain are surely of much importance, and no doubt are prosecuted as equally criminal. The paper next states the necessity of a reform in Parliament; it states, thirdly, the necessity of an emancipation of the Catholic inhabitants of Ireland; and, as necessary to the achievement of all these objects, does, fourthly, state the necessity of a general delegated convention of the people.

It has been alleged that Mr. Rowan intended by this publication to excite the subjects of this country to effect an alteration in the form of your constitution. And here, gentlemen, perhaps you may not be unwilling to follow a little further than Mr. Attorney-General has done the idea of a late prosecution in Great Britain upon the subject of a public libel. It is with peculiar fondness I look to that country for solid principles of constitutional liberty and judicial example. You have been pressed in no small degree with the manner in which this publication marks the different orders of our constitution and comments upon them.

Let me show you what boldness of animadversion on such topics is thought justifiable in the British nation and by a British jury. I have in my hand the report of the trial of the

printers of the "Morning Chronicle" for a supposed libel against the state, and of their acquittal: let me read to you some passages from that publication, which a jury of Englishmen were in vain called upon to brand with the name of libel.

"Claiming it as our indefeasible right to associate together, in a peaceable and friendly manner, for the communication of thoughts, the formation of opinions, and to promote the general happiness, we think it unnecessary to offer any apology for inviting you to join us in this manly and benevolent pursuit. The necessity of the inhabitants of every community endeavoring to procure a true knowledge of their rights, their duties, and their interests, will not be denied except by those who are the slaves of prejudice or interested in the continuation of abuses.

"As men who wish to aspire to the title of freemen, we totally deny the wisdom and the humanity of the advice to approach the defects of government with 'pious awe and trembling solicitude.' What better doctrine could the Pope or the tyrants of Europe desire? We think, therefore, that the cause of truth and justice can never be hurt by temperate and honest discussions; and that cause which will not bear such a scrutiny must be systematically or practically bad.

"We are sensible that those who are not friends to the general good have attempted to inflame the public mind with the cry of 'Danger' whenever men have associated for discussing the principles of government; and we have little doubt but such conduct will be pursued in this place. We would therefore caution every honest man who has really the welfare of the nation at heart to avoid being led away by the prostituted clamors of those who live on the sources of corruption. We pity the fears of the timorous; and we are totally unconcerned respecting the false alarms of the venal.

"We view with concern the frequency of wars. We are persuaded that the interests of the poor can never be promoted by accession of territory when bought at the expense of their labor and blood; and we must say, in the language of a celebrated author, 'We, who are only the people, but who pay for wars with our substance and our blood, will not cease to tell kings' or governments 'that to them alone wars are

profitable; that the true and just conquests are those which each makes at home by comforting the peasantry, by promoting agriculture and manufactures, by multiplying men, and the other productions of nature; that then it is that kings may call themselves the image of God, whose will is perpetually directed to the creation of new beings. If they continue to make us fight and kill one another, in uniform, we will continue to write and speak until nations shall be cured of this folly.' We are certain our present heavy burdens are owing in a great measure to cruel and impolitic wars; and therefore we will do all on our part, as peaceable citizens who have the good of the community at heart, to enlighten each other and protest against them.

"The present state of the representation of the people calls for the particular attention of every man who has humanity sufficient to feel for the honor and happiness of his country, to the defects and corruptions of which we are inclined to attribute unnecessary wars, oppressive taxes, etc. We think it a deplorable case when the poor must support a corruption which is calculated to oppress them; when the laborer must give his money to afford the means of preventing him having a voice in its disposal; when the lower classes may say, 'We give you our money, for which we have toiled and sweated, and which would save our families from cold and hunger; but we think it more hard that there is nobody whom we have delegated to see that it is not improperly and wickedly spent. We have none to watch over our interests. The rich only are represented.'

"An equal and uncorrupt representation would, we are persuaded, save us from heavy expenses and deliver us from many oppressions. We will therefore do our duty to procure this reform, which appears to us of the utmost importance.

"In short, we see with the most lively concern an army of placemen, pensioners, etc., fighting in the cause of corruption and prejudice and spreading the contagion far and wide.

"We see with equal sensibility the present outcry against reforms, and a proclamation (tending to cramp the liberty of the press and discredit the true friends of the people) receiving the support of numbers of our countrymen.

"We see burdens multiplied, the lower classes sinking into poverty, disgrace, and excesses, and the means of those shocking abuses increased for the purpose of revenue.

"We ask ourselves, 'Are we in England?' Have our forefathers fought, bled, and conquered for liberty? And did they not think that the fruits of their patriotism would be more abundant in peace, plenty, and happiness?

"Is the condition of the poor never to be improved?

"Great Britain must have arrived at the highest degree of national happiness and prosperity, and our situation must be too good to be mended, or the present outcry against reforms and improvements is inhuman and criminal. But we hope our condition will be speedily improved, and to obtain so desirable a good is the object of our present association: a union founded on principles of benevolence and humanity; disclaiming all connection with riots and disorder, but firm in our purpose and warm in our affections for liberty.

"Lastly, we invite the friends of freedom throughout Great Britain to form similar societies, and to act with unanimity and firmness till the people be too wise to be imposed upon and their influence in the government be commensurate with their dignity and importance. Then shall we be free and happy."

Such, gentlemen, is the language which a subject of Great Britain thinks himself warranted to hold, and upon such language has the corroborating sanction of a British jury been stamped by a verdict of acquittal. Such was the honest and manly freedom of publication; in a country, too, where the complaint of abuses has not half the foundation it has here. I said I loved to look to England for principles of judicial example; I cannot but say to you that it depends on your spirit whether I shall look to it hereafter with sympathy or with shame.

Be pleased now, gentlemen, to consider whether the statement of the imperfection in your representation has been made with a desire of inflaming an attack upon the public tran-

quillity or with an honest purpose of procuring a remedy for an actually existing grievance. It is impossible not to revert to the situation of the times; and let me remind you, that whatever observations of this kind I am compelled thus to make in a court of justice, the uttering of them in this place is not imputable to my client, but to the necessity of defence imposed upon him by this extraordinary prosecution.

Gentlemen, the representation of your people is the vital principle of their political existence. Without it they are dead, or they live only to servitude; without it there are two estates acting upon and against the third, instead of acting in co-operation with it; without it, if the people are oppressed by their judges, where is the tribunal to which their judges can be amenable? Without it, if they are trampled upon and plundered by a minister, where is the tribunal to which the offender shall be amenable? Without it, where is the ear to hear, or the heart to feel, or the hand to redress their sufferings? Shall they be found, let me ask you, in the accursed bands of imps and minions that bask in their disgrace, and fatten upon their spoils, and flourish upon their ruin? But let me not put this to you as a merely speculative question. It is a plain question of fact: rely upon it, physical man is everywhere the same; it is only the various operations of moral causes that give variety to the social or individual character and condition. How otherwise happens it that modern slavery looks quietly at the despot on the very spot where Leonidas expired? The answer is easy; Sparta has not changed her climate, but she has lost that government which her liberty could not survive.

I call you, therefore, to the plain question of fact. This paper recommends a reform in Parliament: I put that question to your consciences; do you think it needs that reform?

I put it boldly and fairly to you; do you think the people of Ireland are represented as they ought to be?

Do you hesitate for an answer?

If you do, let me remind you that until the last year three millions of your countrymen have, by the express letter of the law, been excluded from the reality of actual, and even from the phantom of virtual representation. Shall we, then, be told that this is only the affirmation of a wicked and seditious incendiary? If you do not feel the mockery of such a charge, look at your country; in what state do you find it? Is it in a state of tranquillity and general satisfaction? These are traces by which good are ever to be distinguished from bad governments without any very minute inquiry or speculative refinement. Do you feel that a veneration for the law, a pious and humble attachment to the constitution, form the political morality of the people? Do you find that comfort and competency among your people which are always to be found where a government is mild and moderate, where taxes are imposed by a body who have an interest in treating the poorer orders with compassion, and preventing the weight of taxation from pressing sore upon them?

Gentlemen, I mean not to impeach the state of your representation; I am not saying that it is defective or that it ought to be altered or amended; nor is this a place for me to say whether I think that three millions of the inhabitants of a country whose whole number is but four ought to be admitted to any efficient situation in the state.

It may be said, and truly, that these are not questions for either of us directly to decide; but you cannot refuse them some passing consideration at least when you remember that on this subject the real question for your decision is whether the allegation of a defect in your constitution is so utterly

unfounded and false that you can ascribe it only to the malice and perverseness of a wicked mind and not to the innocent mistake of an ordinary understanding; whether it may not be mistake; whether it can be only sedition.

And here, gentlemen, I own I cannot but regret that one of our countrymen should be criminally pursued for asserting the necessity of a reform at the very moment when that necessity seems admitted by the Parliament itself; that this unhappy reform shall at the same moment be a subject of legislative discussion and criminal prosecution.

Far am I from imputing any sinister design to the virtue or wisdom of our government; but who can avoid feeling the deplorable impression that must be made on the public mind when the demand for that reform is answered by a criminal information! I am the more forcibly impressed by this consideration when I consider that when this information was first put on the file the subject was transiently mentioned in the House of Commons.

Some circumstances retarded the progress of the inquiry there, and the progress of the information was equally retarded here. On the first day of this session, you all know, that subject was again brought forward in the House of Commons, and, as if they had slept together, this prosecution was also revived in the court of king's bench, and that before a jury taken from a panel partly composed of those very members of Parliament who in the House of Commons must debate upon this subject, as a measure of public advantage, which they are here called upon to consider as a public crime.

This paper, gentlemen, insists upon the necessity of emancipating the Catholics of Ireland, and that is charged as a part of the libel. If they had kept this prosecution impending for another year, how much would remain for a jury to decide

upon, I should be at a loss to discover. It seems as if the progress of public reformation was eating away the ground of the prosecution. Since the commencement of the prosecution this part of the libel has unluckily received the sanction of the legislature. In that interval our Catholic brethren have obtained that admission which it seems it was a libel to propose. In what way to account for this I am really at a loss.

Have any alarms been occasioned by the emancipation of our Catholic brethren? Has the bigoted malignity of any individuals been crushed? Or has the stability of the government or has that of the country been weakened? Or are one million of subjects stronger than three millions? Do you think that the benefit they received should be poisoned by the stings of vengeance? If you think so you must say to them:

"You have demanded your emancipation and you have got it; but we abhor your persons, we are outraged at your success; and we will stigmatize by a criminal prosecution the relief which you have obtained from the voice of your country."

I ask you, gentlemen, do you think, as honest men anxious for the public tranquillity, conscious that there are wounds not yet completely cicatrized, that you ought to speak this language at this time to men who are too much disposed to think that in this very emancipation they have been saved from their own Parliament by the humanity of their sovereign? Or do you wish to prepare them for the revocation of these improvident concessions? Do you think it wise or humane at this moment to insult them by sticking up in a pillory the man who dared to stand forth their advocate?

I put it to your oaths, do you think that a blessing of that kind, that a victory obtained by justice over bigotry and oppression, should have a stigma cast upon it by an ignomin-

ious sentence upon men bold and honest enough to propose that measure; to propose the redeeming of religion from the abuses of the Church, the reclaiming of three millions of men from bondage, and giving liberty to all who had a right to demand it—giving, I say, in the so-much-censured words of this paper, "Universal Emancipation?"

I speak in the spirit of the British law, which makes liberty commensurate with and inseparable from the British soil—which proclaims, even to the stranger and the sojourner, the moment he sets his foot upon British earth, that the ground on which he treads is holy and consecrated by the genius of universal emancipation.

No matter in what language his doom may have been pronounced; no matter what complexion incompatible with freedom an Indian or an African sun may have burned upon him; no matter in what disastrous battle his liberty may have been cloven down; no matter with what solemnities he may have been devoted upon the altar of slavery; the first moment he touches the sacred soil of Britain the altar and the god sink together in the dust; his soul walks abroad in her own majesty; his body swells beyond the measure of his chains that burst from around him, and he stands redeemed, regenerated, and disenthralled by the irresistible genius of universal emancipation.

[Here Mr. Curran was interrupted by a sudden burst of applause from the court and hall. After some time, silence was restored by the authority of Lord Clonmel, who acknowledged the pleasure which he himself felt at the brilliant display of professional talent, but disapproved of any intemperate expressions of applause in a court of justice. Mr. Curran then proceeded:]

Gentlemen, I am not such a fool as to ascribe any effusion of this sort to any merit of mine. It is the mighty theme, and

not the inconsiderable advocate, that can excite interest in the hearer. What you hear is but the testimony which nature bears to her own character; it is the effusion of her gratitude to that Power which stamped that character. And, gentlemen, permit me to say that if my client had occasion to defend his cause by any mad or drunken appeals to extravagance or licentiousness, I trust in God I stand in that situation that, humble as I am, he would not have resorted to me to be his advocate. I was not recommended to his choice by any connection of principle or party, or even private friendship; and, saying this, I cannot but add that I consider not to be acquainted with such a man as Mr. Rowan a want of personal good fortune. Gentlemen, upon this great subject of reform and emancipation there is a latitude and boldness of remark, justifiable in the people, and necessary to the defence of Mr. Rowan, for which the habits of professional studies and technical adherence to established forms have rendered me unfit. It is, however, my duty, standing here as his advocate, to make some few observations to you which I conceive to be material.

Gentlemen, you are sitting in a country that has a right to the British constitution and which is bound by an indissoluble union with the British nation. If you were now even at liberty to debate upon that subject — if you even were not by the most solemn compacts, founded upon the authority of your ancestors and of yourselves, bound to that alliance, and had an election now to make, in the present unhappy state of Europe — if you had heretofore been a stranger to Great Britain, you would now say, we will enter into society and union with you:

> "Commune periculum,
> Una salus ambobus erit." [1]

[1] "To both alike one danger and one safety."

But to accomplish that union, let me tell you, you must learn to become like the English people: it is vain to say you will protect their freedom if you abandon your own. The pillar whose base has no foundation can give no support to the dome under which its head is placed; and if you profess to give England that assistance which you refuse to yourselves she will laugh at your folly and despise your meanness and insincerity.

Let us follow this a little further; I know you will interpret what I say with the candor in which it is spoken. England is marked by a natural avarice of freedom which she is studious to engross and accumulate, but most unwilling to impart, whether from any necessity of her policy, or from her weakness, or from her pride, I will not presume to say; but that so is the fact you need not look to the east or to the west—you need only look to yourselves.

In order to confirm that observation I would appeal to what fell from the learned counsel for the Crown, that, notwithstanding the alliance subsisting for two centuries past between the two countries, the date of liberty in one goes no further back than the year 1784. If it required additional confirmation I should state the case of the invaded American and the subjugated Indian to prove that the policy of England has ever been to govern her connections more as colonies than allies; and it must be owing to the great spirit, indeed, of Ireland, if she shall continue free. Rely upon it, she will ever have to hold her course against an adverse current; rely upon it, if the popular spring does not continue firm and elastic, a short interval of debilitated nerve and broken force will send you down the stream again and reconsign you to the condition of a province.

If such should become the fate of your constitution, ask yourselves what must be the motive of your government? It

is easier to govern a province by a faction than to govern a co-ordinate country by co-ordinate means. I do not say it is now, but it will be always thought easiest by the managers of the day to govern the Irish nation by the agency of such a faction as long as this country shall be found willing to let her connection with Great Britain be preserved only by her own degradation. In such a precarious and wretched state of things, if it shall ever be found to exist, the true friend of Irish liberty and British connection will see that the only means of saving both must be, as Lord Chatham expressed it, "the infusion of new health and blood into the constitution."

He will see how deep a stake each country has in the liberty of the other; he will see what a bulwark he adds to the common cause by giving England a co-ordinate and co-interested ally instead of an oppressed, enfeebled, and suspected dependent; he will see how grossly the credulity of Britain is abused by those who make her believe that her solid interest is promoted by our depression; he will see the desperate precipice to which she approaches by such a conduct, and with an animated and generous piety he will labor to avert her danger.

But, gentlemen of the jury, what is likely to be his fate? The interest of the sovereign must be forever the interest of his people because his interest lives beyond his life; it must live in his fame—it must live in the tenderness of his solicitude for an unborn posterity—it must live in that heart-attaching bond by which millions of men have united the destinies of themselves and their children with his, and call him by the endearing appellation of king and father of his people.

But what can be the interest of such a government as I have described? Not the interest of the king, not the inter-

est of the people; but the sordid interest of the hour; the interest in deceiving the one and in oppressing and deforming the other; the interest of unpunished rapine and unmerited favor; that odious and abject interest that prompts them to extinguish public spirit in punishment or in bribe; and to pursue every man even to death who has sense to see, and integrity and firmness enough to abhor and to oppose them.

What, therefore, I say, gentlemen, will be the fate of the man who embarks in an enterprise of so much difficulty and danger? I will not answer it. Upon that hazard has my client put everything that can be dear to man: his fame, his fortune, his person, his liberty, and his children; but with what event your verdict only can answer, and to that I refer your country.

Gentlemen, there is a fourth point remaining. Says this paper:

"For both these purposes it appears necessary that provincial conventions should assemble preparatory to the convention of the Protestant people. The delegates of the Catholic body are not justified in communicating with individuals, or even bodies of an inferior authority, and therefore an assembly of a similar nature and organization is necessary to establish an intercourse of sentiment, a uniformity of conduct, a united cause, and a united nation.

"If a convention on the one part does not soon follow, and is not connected with that on the other, the common cause will split into partial interests; the people will relax into inattention and inertness; the union of affection and exertion will dissolve, and too probably some local insurrection, instigated by the malignity of our common enemy, may commit the character and risk the tranquillity of the island, which can be obviated only by the influence of an assembly arising from, and assimilated with the people, and whose spirit may be, as it were, knit with the soul of the nation — unless the sense of the Protestant people be, on their part, as fairly collected

and as judiciously directed, unless individual exertion consolidates into collective strength, unless the particles unite into one mass, we may perhaps serve some person or some party for a little, but the public not at all. The nation is neither insolent, nor rebellious, nor seditious. While it knows its rights it is unwilling to manifest its powers. It would rather supplicate administration to anticipate revolution by well-timed reform and to save their country in mercy to themselves."

Gentlemen, it is with something more than common reverence, it is with a species of terror, that I am obliged to tread this ground. But what is the idea put in the strongest point of view. "We are willing not to manifest our powers, but to supplicate administration to anticipate revolution, that the legislature may save the country in mercy to itself."

Let me suggest to you, gentlemen, that there are some circumstances which have happened in the history of this country that may better serve as a comment upon this part of the case than any I can make. I am not bound to defend Mr. Rowan as to the truth or wisdom of the opinions he may have formed. But if he did really conceive the situation of the country to be such that the not redressing her grievances might lead to a convulsion,—and of such an opinion not even Mr. Rowan is answerable here for the wisdom, much less shall I insinuate any idea of my own upon so awful a subject; but if he did so conceive the fact to be, and acted from the fair and honest suggestion of a mind anxious for the public good, I must confess, gentlemen, I do not know in what part of the British constitution to find the principle of his criminality.

But, gentlemen, be pleased further to consider that he cannot be understood to put the fact on which he argues on the authority of his assertion. The condition of Ireland was as open to the observation of every other man as to that of Mr.

Rowan. What, then, does this part of the publication amount to? In my mind simply to this:

"The nature of oppression in all countries is such that although it may be borne to a certain degree it cannot be borne beyond that degree. You find it exemplified in Great Britain. You find the people of England patient to a certain point; but patient no longer. That infatuated monarch, James II, experienced this. The time did come when the measure of popular suffering and popular patience was full; when a single drop was sufficient to make the waters of bitterness to overflow. I think this measure in Ireland is brimful at present. I think the state of representation of the people in Parliament is a grievance.

"I think the utter exclusion of three millions of people is a grievance of that kind that the people are not likely long to endure; and the continuation of which may plunge the country into that state of despair which wrongs exasperated by perseverance never fail to produce."

But to whom is even this language addressed? Not to the body of the people, on whose temper and moderation, if once excited, perhaps not much confidence could be placed; but to that authoritative body whose influence and power would have restrained the excesses of the irritable and tumultuous; and for that purpose expressly does this publication address the Volunteers.

"We are told that we are in danger. I call upon you, the great constitutional saviors of Ireland, to defend the country to which you have given political existence; and use whatever sanction your great name, your sacred character, and the weight you have in the community, must give you to repress wicked designs, if any there are.

"We feel ourselves strong. The people are always strong. The public chains can only be riveted by the public hands. Look to those devoted regions of southern despotism. Behold the expiring victim on his knees, presenting the javelin reeking with his blood to the ferocious monster who returns it into his heart. Call not that monster the tyrant. He is no more

than the executioner of that inhuman tyranny which the people practise upon themselves, and of which he is only reserved to be a later victim than the wretch he has sent before. Look to a nearer country, where the sanguinary characters are more legible; whence you almost hear the groans of death and torture. Do you ascribe the rapine and murder of France to the few names that we are execrating here? or do you not see that it is the frenzy of an infuriated multitude abusing its own strength and practising those hideous abominations upon itself. Against the violence of this strength let your virtue and influence be our safeguard."

What criminality, gentlemen of the jury, can you find in this? What at any time? But I ask you, particularly at this momentous period, what guilt can you find in it? My client saw the scene of horror and blood which covers almost the face of Europe. He feared that causes which he thought similar might produce similar effects; and he seeks to avert those dangers by calling the united virtue and tried moderation of the country into a state of strength and vigilance. Yet this is the conduct which the prosecution of this day seeks to stigmatize; and this is the language for which this paper is reprobated to-day as tending to turn the hearts of the people against their sovereign and inviting them to overturn the constitution.

Let us now, gentlemen, consider the concluding part of this publication. It recommends a meeting of the people to deliberate on constitutional methods of redressing grievances. Upon this subject I am inclined to suspect that I have in my youth taken up crude ideas, not founded, perhaps, in law; but I did imagine that when the Bill of Rights restored the right of petitioning for the redress of grievances it was understood that the people might boldly state among themselves that grievances did exist; that they might lawfully assemble themselves in such a manner as they might deem most orderly and

decorous. I thought I had collected it from the greatest luminaries of the law. The power of petitioning seemed to me to imply the right of assembling for the purpose of deliberation. The law requiring a petition to be presented by a limited number seemed to me to admit that the petition might be prepared by any number whatever, provided, in doing so, they did not commit any breach or violation of the public peace.

I know that there has been a law passed in the Irish Parliament of last year which may bring my former opinion into a merited want of authority. That law declares "that no body of men may delegate a power to any similar number, to act, think, or petition for them!"

If that law had not passed I should have thought that the assembling by a delegated convention was recommended in order to avoid the tumult and disorder of a promiscuous assembly of the whole mass of the people. I should have conceived, before that act, that any law to abridge the orderly appointment of the few to consult for the interest of the many, and thus force the many to consult by themselves or not at all, would in fact be a law not to restrain but to promote insurrection. But that law has spoken, and my error must stand corrected.

Of this, however, let me remind you. You are to try this part of the publication by what the law was then: not by what it is now. How was it understood until last session of Parliament? You had both in England and Ireland, for the last ten years, these delegated meetings. The Volunteers of Ireland, in 1782, met by delegation; they framed a plan of parliamentary reform; they presented it to the representative wisdom of the nation. It was not received; but no man ever dreamed that it was not the undoubted right of the subject

to assemble in that manner. They assembled, by delegation, at Dungannon; and to show the idea then entertained of the legality of their public conduct that same body of Volunteers was thanked by both Houses of Parliament and their delegates most graciously received at the throne.

The other day you had delegated representatives for the Catholics of Ireland, publicly elected by the members of that persuasion, and sitting in convention in the heart of your capital, carrying on an actual treaty with the existing government, and under the eye of your own Parliament, which was then assembled; you have seen the delegates from that convention carry the complaints of their grievances to the foot of the throne, from whence they brought back to the convention the auspicious tidings of that redress which they had been refused at home.

Such, gentlemen, have been the means of popular communication and discussion which, until the last session, have been deemed legal in this country, as, happily for the sister kingdom, they are yet considered there.

I do not complain of this act as any infraction of popular liberty; I should not think it becoming in me to express any complaint against a law when once become such. I observe only that one mode of popular deliberation is thereby taken utterly away, and you are reduced to a situation in which you never stood before. You are living in a country where the constitution is rightly stated to be only ten years old—where the people have not the ordinary rudiments of education.

It is a melancholy story that the lower orders of the people here have less means of being enlightened than the same class of people in any other country. If there be no means left by which public measures can be canvassed, what will be the

consequence? Where the press is free, and discussion unrestrained, the mind, by the collision of intercourse, gets rid of its own asperities; a sort of insensible perspiration takes place in the body politic by which those acrimonies which would otherwise fester and inflame are quietly dissolved and dissipated.

But now, if any aggregate assembly shall meet, they are censured; if a printer publishes their resolutions he is punished: rightly, to be sure, in both cases, for it has been lately done. If the people say, Let us not create tumult, but meet in delegation, they cannot do it; if they are anxious to promote parliamentary reform in that way they cannot do it; the law of the last session has for the first time declared such meetings to be a crime.

What then remains?

The liberty of the press only — that sacred palladium which no influence, no power, no minister, no government, which nothing but the depravity or folly or corruption of a jury can ever destroy.

And what calamities are the people saved from by having public communication left open to them? I will tell you, gentlemen, what they are saved from, and what the government is saved from; I will tell you, also, to what both are exposed by shutting up that communication. In one case sedition speaks aloud and walks abroad; the demagogue goes forth; the public eye is upon him; he frets his busy hour upon the stage; but soon either weariness, or bribe, or punishment, or disappointment bears him down or drives him off, and he appears no more.

In the other case how does the work of sedition go forward? Night after night the muffled rebel steals forth in the dark and casts another and another brand upon the pile,

to which, when the hour of fatal maturity shall arrive, he will apply the torch. If you doubt of the horrid consequence of suppressing the effusion even of individual discontent, look to those enslaved countries where the protection of despotism is supposed to be secured by such restraints. Even the person of the despot there is never in safety. Neither the fears of the despot nor the machinations of the slave have any slumber — the one anticipating the moment of peril, the other watching the opportunity of aggression.

The fatal crisis is equally a surprise upon both: the decisive instant is precipitated without warning — by folly on the one side, or by frenzy on the other; and there is no notice of the treason till the traitor acts. In those unfortunate countries — one cannot read it without horror — there are officers whose province it is to have the water which is to be drunk by their rulers sealed up in bottles lest some wretched miscreant should throw poison into the draught.

But, gentlemen, if you wish for a nearer and more interesting example, you have it in the history of your own revolution. You have it at that memorable period when the monarch [James II] found a servile acquiescence in the ministers of his folly — when the liberty of the press was trodden under foot — when venal sheriffs returned packed juries, to carry into effect those fatal conspiracies of the few against the many — when the devoted benches of public justice were filled by some of those foundlings of fortune who, overwhelmed in the torrent of corruption at an early period, lay at the bottom like drowned bodies while soundness or sanity remained in them; but at length, becoming buoyant by putrefaction, they rose as they rotted, and floated to the surface of the polluted stream, where they were drifted along, the objects of terror, and contagion, and abomination.

In that awful moment of a nation's travail, of the last gasp of tyranny and the first breath of freedom, how pregnant is the example! The press extinguished, the people enslaved, and the prince undone. As the advocate of society, therefore — of peace — of domestic liberty — and the lasting union of the two countries — I conjure you to guard the liberty of the press, that great sentinel of the state, that grand detector of public imposture; guard it because, when it sinks, there sinks with it in one common grave the liberty of the subject and the security of the Crown.

Gentlemen, I am glad that this question has not been brought forward earlier; I rejoice for the sake of the court, of the jury, and of the public repose, that this question has not been brought forward till now. In Great Britain analogous circumstances have taken place. At the commencement of that unfortunate war which has deluged Europe with blood, the spirit of the English people was tremblingly alive to the terror of French principles; at that moment of general paroxysm to accuse was to convict. The danger looked larger to the public eye from the misty region through which it was surveyed. We measure inaccessible heights by the shadows which they project, where the lowness and the distance of the light form the length of the shade.

There is a sort of aspiring and adventurous credulity which disdains assenting to obvious truths and delights in catching at the improbability of circumstances as its best ground of faith. To what other cause, gentlemen, can you ascribe that, in the wise, the reflecting, and the philosophic nation of Great Britain, a printer has been found guilty of a libel for publishing those resolutions to which the present minister of that kingdom had actually subscribed his name?

To what other cause can you ascribe, what in my mind is

still more astonishing, in such a country as Scotland, a nation cast in the happy medium between the spiritless acquiescence of submissive poverty and the sturdy credulity of pampered wealth; cool and ardent, adventurous and persevering; winging her eagle flight against the blaze of every science, with an eye that never winks, and a wing that never tires; crowned as she is with the spoils of every art, and decked with the wreath of every muse; from the deep and scrutinizing researches of her Hume, to the sweet and simple, but not the less sublime and pathetic morality of her Burns — how, from the bosom of a country like that, genius and character and talents should be banished to a distant, barbarous soil; condemned to pine under the horrid communion of vulgar vice and base-born profligacy for twice the period that ordinary calculation gives to the continuance of human life? But I will not further press any idea that is painful to me and I am sure must be painful to you. I will only say you have now an example of which neither England nor Scotland had the advantage. You have the example of the panic, the infatuation, and the contrition of both. It is now for you to decide whether you will profit by their experience of idle panic and idle regret, or whether you merely prefer to palliate a servile imitation of their frailty by a paltry affectation of their repentance. It is now for you to show that you are not carried away by the same hectic delusions to acts of which no tears can wash away the consequences or the indelible reproach.

Gentlemen, I have been warning you by instances of public intellect suspended or obscured; let me rather excite you by the example of that intellect recovered and restored. In that case which Mr. Attorney-General has cited himself, I mean that of the trial of Lambert in England, is there a topic of

invective against constituted authorities, is there a topic of abuse against every department of British government that you do not find in the most glowing and unqualified terms in that publication, for which the printer of it was prosecuted, and acquitted by an English jury?

See, too, what a difference there is between the case of a man publishing his own opinion of facts, thinking that he is bound by duty to hazard the promulgation of them, and without the remotest hope of any personal advantage, and that of a man who makes publication his trade. And saying this, let me not be misunderstood; it is not my province to enter into any abstract defence of the opinions of any man upon public subjects. I do not affirmatively state to you that these grievances, which this paper supposes, do in fact exist; yet I cannot but say that the movers of this prosecution have forced that question upon you. Their motives and their merits, like those of all accusers, are put in issue before you; and I need not tell you how strongly the motive and merits of any infomer ought to influence the fate of his accusation.

I agree most implicitly with Mr. Attorney-General that nothing can be more criminal than an attempt to work a change in the government by armed force, and I entreat that the court will not suffer any expression of mine to be considered as giving encouragement or defence to any design to excite disaffection, to overawe or to overturn the government. But I put my client's case upon another ground. If he was led into an opinion of grievances where there were none; if he thought there ought to be a reform where none was necessary, he is answerable only for his intention. He can be answerable to you in the same way only that he is answerable to that God before whom the accuser, the accused, and the

judge must appear together; that is, not for the clearness of his understanding, but for the purity of his heart.

Gentlemen, Mr. Attorney-General has said that Mr. Rowan did by this publication (supposing it to be his) recommend, under the name of equality, a general, indiscriminate assumption of public rule by every the meanest person in the state. Low as we are in point of public information, there is not, I believe, any man, who thinks for a moment, that does not know that all which the great body of the people of any country can have from any government is a fair encouragement to their industry and protection for the fruits of their labor. And there is scarcely any man, I believe, who does not know that if a people could become so silly as to abandon their stations in society under pretence of governing themselves, they would become the dupes and the victims of their own folly. But does this publication recommend any such infatuated abandonment or any such desperate assumption? I will read the words which relate to that subject: "By liberty we never understood unlimited freedom, nor by equality the levelling of property or destruction of subordination."

I ask you with what justice, upon what principle of common sense, you can charge a man with the publication of sentiments the very reverse of what his words avow; and that, when there is no collateral evidence, where there is no foundation whatever, save those very words, by which his meaning can be ascertained or, if you do adopt an arbitrary principle of imputing to him your meaning instead of his own, what publication can be guiltless or safe? It is a sort of accusation that I am ashamed and sorry to see introduced in a court acting on the principles of the British constitution.

In the bitterness of reproach it was said, "Out of thine own mouth will I condemn thee." From the severity of justice I

demand no more. See if, in the words that have been spoken, you can find matter to acquit or to condemn.

"By liberty we never understood unlimited freedom, nor by equality the levelling of property or the destruction of subordination. This is a calumny invented by that faction or that gang which misrepresents the King to the people, and the people to the King; traduces one half of the nation to cajole the other; and, by keeping up distrust and division, wishes to continue the proud arbitrators of the fortune and fate of Ireland."

Here you find that meaning disclaimed as a calumny which is artfully imputed as a crime.

I say, therefore, gentlemen of the jury, as to the four parts into which the publication must be divided, I answer thus: It calls upon the Volunteers. Consider the time, the danger, the authority of the prosecutors themselves for believing that danger to exist; the high character, the known moderation, the approved loyalty of that venerable institution; the similarity of the circumstances between the period at which they are summoned to take arms and that in which they have been called upon to reassume them. Upon this simple ground, gentlemen, you will decide whether this part of the publication was libellous and criminal or not.

As to reform, I could wish to have said nothing upon it. I believe I have said enough. If he thought the state required it, he acted like an honest man. For the rectitude of the opinion he was not answerable. He discharged his duty in telling the country that he thought so.

As to the emancipation of the Catholics I cannot but say that Mr. Attorney-General did very wisely in keeping clear of that. Yet, gentlemen, I need not tell you how important a figure it was intended to make upon the scene, though, from

unlucky accidents, it has become necessary to expunge it during the rehearsal.

Of the concluding part of this publication, the convention which it recommends, I have spoken already. I wish not to trouble you with saying more upon it. I feel that I have already trespassed much upon your patience. In truth, upon a subject embracing such a variety of topics, a rigid observance either of conciseness or arrangement could, perhaps, scarcely be expected. It is, however, with pleasure I feel I am drawing to a close, and that only one question remains, to which I beg your attention.

Whatever, gentlemen, may be your opinion of the meaning of this publication, there yet remains a great point for you to decide upon; namely, whether, in point of fact, this publication be imputable to Mr. Rowan or not; whether he did publish it or not. And two witnesses are called to that fact, one of the name of Lyster and the other of the name of Morton. You must have observed that Morton gave no evidence upon which that paper could even have been read; he produced no paper; he identified no paper; so that in point of law there was no evidence to be given to a jury; and therefore it turns entirely upon the evidence of the other witness. He has stated that he went to a public meeting in a place where there was a gallery crowded with spectators; and that he there got a printed paper, the same which has been read to you.

I know you are well acquainted with the fact that the credit of every witness must be considered by and rest with the jury. They are the sovereign judges of that circumstance; and I will not insult your feelings by insisting on the caution with which you should watch the testimony of a witness that seeks to affect the liberty or property or character of your fellow citizens. Under what circumstances does this evidence come

before you? The witness says he has got a commission in the army, by the interest of a lady, from a person then high in administration. He told you that he made a memorandum upon the back of that paper, it being his general custom, when he got such papers, to make an indorsement upon them; that he did this from mere fancy; that he had no intention of giving any evidence on the subject; he took it with no such view.

There is something whimsical enough in this curious story. Put his credit upon the positive evidence adduced to his character. Who he is I know not. I know not the man; but his credit is impeached. Mr. Blake was called; he said he knew him. I asked him, "Do you think, sir, that Mr. Lyster is or is not a man deserving credit upon his oath?" If you find a verdict of conviction it can be only upon the credit of Mr. Lyster. What said Mr. Blake? Did he tell you that he believed he was a man to be believed upon his oath? He did not attempt to say that he was. The best he could say was that he would hesitate. Do you believe Blake? Have you the same opinion of Lyster's testimony that Mr. Blake has? Do you know Lyster? If you do know him, and know that he is credible, your knowledge should not be shaken by the doubts of any man. But if you do not know him you must take his credit from an unimpeached witness, swearing that he would hesitate to believe him.

In my mind there is a circumstance of the strongest nature that came out from Lyster on the table. I am aware that a very respectable man, if impeached by surprise, may not be ready prepared to repel a wanton calumny by contrary testimony. But was Lyster unapprised of this attack upon him? What said he? "I knew that you had Blake to examine against me. You have brought him here for that purpose."

He knew the very witness that was to be produced against him; he knew that his credit was impeached, and yet he produced no person to support that credit. What said Mr. Smyth? "From my knowledge of him I would not believe him upon his oath."

[Mr. Attorney-General: I beg pardon, but I must set Mr. Curran right. Mr. Lyster said he heard Blake would be here, but not in time to prepare himself.]

But what said Mrs. Hatchell? Was the production of that witness a surprise upon Mr. Lyster? her cross-examination shows the fact to be the contrary. The learned counsel, you see, was perfectly apprised of a chain of private circumstances to which he pointed his questions. Did he know these circumstances by inspiration? No; they could come only from Lyster himself. I insist, therefore, the gentleman knew his character was to be impeached; his counsel knew it; and not a single witness has been produced to support it. Then consider, gentlemen, upon what ground you can find a verdict of conviction against my client when the only witness produced to the fact of publication is impeached without even an attempt to defend his character. Many hundreds, he said, were at that meeting; why not produce one of them to swear to the fact of such a meeting? One he has ventured to name; but he was certainly very safe in naming a person who, he has told you, is not in the kingdom and could not, therefore, be called to confront him.

Gentlemen, let me suggest another observation or two. If still you have any doubt as to the guilt or innocence of the defendant, give me leave to suggest to you what circumstances you ought to consider in order to found your verdict. You should consider the character of the person accused, and in this your task is easy. I will venture to say there is not a man

in this nation more known than the gentleman who is the subject of this prosecution, not only by the part he has taken in public concerns, and which he has taken in common with many, but still more so by that extraordinary sympathy for human affliction which, I am sorry to think, he shares with so small a number.

There is not a day that you hear the cries of your starving manufacturers in your streets, that you do not also see the advocate of their sufferings. That you do not see his honest and manly figure, with uncovered head soliciting for their relief, searching the frozen heart of charity for every string that can be touched by compassion, and urging the force of every argument and every motive save that which his modesty suppresses: the authority of his own generous example. Or, if you see him not there, you may trace his steps to the private abode of disease and famine and despair; the messenger of Heaven, bearing with him food, and medicine, and consolation.

Are these the materials of which anarchy and public rapine are to be formed? Is this the man on whom to fasten the abominable charge of goading on a frantic populace to mutiny and bloodshed? Is this the man likely to apostatize from every principle that can bind him to the state, his birth, his property, his education, his character, and his children?

Let me tell you, gentlemen of the jury, if you agree with his prosecutors in thinking that there ought to be a sacrifice of such a man, on such an occasion, and upon the credit of such evidence, you are to convict him—never did you, never can you give a sentence, consigning any man to public punishment with less danger to his person or to his fame; for where could the hireling be found to fling contumely or ingratitude

at his head, whose private distress he had not labored to alleviate, or whose public condition he had not labored to improve.

I cannot, however, avoid averting to a circumstance that distinguishes the case of Mr. Rowan from that of a late sacrifice in a neighboring kingdom. The severer law of that country, it seems, and happy for them that it should, enables them to remove from their sight the victim of their infatuation. The more merciful spirit of our law deprives you of that consolation. His sufferings must remain forever before your eyes, a continual call upon your shame and your remorse. But those sufferings will do more; they will not rest satisfied with your unavailing contrition, they will challenge the great and paramount inquest of society.

The man will be weighed against the charge, the witness, and the sentence; and impartial justice will demand, why has an Irish jury done this deed? The moment he ceases to be regarded as a criminal, he becomes of necessity an accuser. And, let me ask you, what can your most zealous defenders be prepared to answer to such a charge? When your sentence shall have sent him forth to that stage [the pillory] which guilt alone can render infamous, let me tell you he will not be like a little statue upon a mighty pedestal, diminishing by elevation.

But he will stand a striking and imposing object upon a monument which, if it does not, and it cannot, record the atrocity of his crime, must record the atrocity of his conviction. And upon this subject credit me when I say that I am still more anxious for you than I can possibly be for him. I cannot but feel the peculiarity of your situation. Not the jury of his own choice, which the law of England allows, but which ours refuses, collected in that box by a person certainly

no friend to Mr. Rowan, certainly not very deeply interested in giving him a very impartial jury.

Feeling this, as I am persuaded you do, you cannot be surprised however you may be distressed at the mournful presage with which an anxious public is led to fear the worst from your possible determination. But I will not, for the justice and honor of our common country, suffer my mind to be borne away by such melancholy anticipations. I will not relinquish the confidence that this day will be the period of his sufferings; and, however mercilessly he has been hitherto pursued, that your verdict will send him home to the arms of his family and the wishes of his country. But if, which Heaven forbid, it hath still been unfortunately determined that, because he has not bent to power and authority, because he would not bow down before the golden calf and worship it, he is to be bound and cast into the furnace; I do trust in God that there is a redeeming spirit in the constitution which will be seen to walk with the sufferer through the flames and to preserve him unhurt by the conflagration.

MADISON

JAMES MADISON was born in King George County, Virginia, on March 16, 1751. Twenty years later he graduated from Princeton College, New Jersey, and subsequently was admitted to practice at the Virginia bar. In 1776 he was chosen a delegate to the Virginia Convention which formed a Constitution for the State. In the following year he was chosen a member of the Council of State and became conspicuous in that body until the end of 1779, at which time he was elected a delegate to the Congress of the Confederation. Here he continued during the final stages of the Revolutionary War and for one year after the establishment of peace. He then took a seat in the Legislature of Virginia, and actively promoted the movement for the organization of a stronger Federal Government. In the Philadelphia Convention of 1787 he took a leading part, and it was largely his influence which shaped the final draft of the Constitution. To secure the adoption of that instrument by the State Conventions he joined Hamilton and Jay in the publication of a series of essays which were issued in a collective form in 1788 under the name of "The Federalist." In the Virginia Convention he was the most powerful advocate of the proposed Constitution, and he triumphed, notwithstanding the opposition of such men as Patrick Henry and George Mason. He took his seat in the Federal House of Representatives in April, 1789, and there gradually assumed the leadership of the Anti-Federalist party in that body. In 1797 he withdrew temporarily to private life, but in the following year he wrote the resolutions passed by the Virginia Legislature pronouncing the Alien and Sedition Laws, which had been passed by Congress in that year, "null, void and of no effect." Upon the accession of Jefferson to the Chief Magistracy in March, 1801, Madison became Secretary of State, and continued to hold that office until, eight years later, he was himself elected President. After the close of his second term, he retired to Montpelier, his country seat in Virginia, and for nearly twenty years thereafter employed himself in agricultural pursuits. To the day of his death, however, he continued to be consulted by statesmen as an oracle on Constitutional questions. He died on June 20, 1836.

ON THE EXPEDIENCY OF ADOPTING THE FEDERAL CONSTITUTION

CONVENTION OF VIRGINIA, JUNE 6, 1788

Mr. Chairman:

IN WHAT I am about to offer to this assembly, I shall not attempt to make impressions by any ardent professions of zeal for the public welfare. We know that the principles of every man will be, and ought to be, judged not by his professions and declarations, but by his conduct. By that criterion, I wish, in common with every other member, to be judged; and even though it should prove unfavorable to my reputation, yet it is a criterion from which I by no means would depart, nor could if I would. Comparisons have been made between the friends of this Constitution and those who oppose it. Although I disapprove of such comparisons, I trust that in everything that regards truth, honor, candor, and rectitude of motives, the friends of this system, here and in other States, are not inferior to its opponents. But professions of attachment to the public good, and comparisons of parties, at all times invidious, ought not to govern or influence us now. We ought, sir, to examine the Constitution exclusively on its own merits. We ought to inquire whether it will promote the public happiness; and its aptitude to produce that desirable object ought to be the exclusive subject of our researches. In this pursuit, we ought to address our arguments not to the feelings and passions, but to those understandings and judgments which have been selected, by the people of this country, to decide

that great question by a calm and rational investigation. I hope that gentlemen, in displaying their abilities on this occasion, will, instead of giving opinions and making assertions, condescend to prove and demonstrate, by fair and regular discussion. It gives me pain to hear gentlemen continually distorting the natural construction of language. Assuredly, it is sufficient if any human production can stand a fair discussion. Before I proceed to make some additions to the reasons which have been adduced by my honorable friend over the way, I must take the liberty to make some observations on what was said by another gentleman (Mr. Henry). He told us that this Constitution ought to be rejected, because, in his opinion, it endangered the public liberty in many instances. Give me leave to make one answer to that observation—let the dangers with which this system is supposed to be replete, be clearly pointed out. If any dangerous and unnecessary powers be given to the general legislature, let them be plainly demonstrated, and let us not rest satisfied with general assertions of dangers, without proof, without examination. If powers be necessary, apparent danger is not a sufficient reason against conceding them. He has suggested, that licentiousness has seldom produced the loss of liberty; but that the tyranny of rulers has almost always effected it. Since the general civilization of mankind, I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power, than by violent and sudden usurpations; but on a candid examination of history, we shall find that turbulence, violence, and abuse of power, by the majority trampling on the rights of the minority, have produced factions and commotions which, in republics, have, more frequently than any other cause,

produced despotism. If we go over the whole history of ancient and modern republics, we shall find their destruction to have generally resulted from those causes. If we consider the peculiar situation of the United States, and go to the sources of that diversity of sentiment which pervades its inhabitants, we shall find great danger to fear that the same causes may terminate here in the same fatal effects which they produced in those republics. This danger ought to be wisely guarded against. In the progress of this discussion, it will perhaps appear, that the only possible remedy for those evils, and the only certain means of preserving and protecting the principles of republicanism, will be found in that very system which is now exclaimed against as the parent of oppression. I must confess that I have not been able to find his usual consistency in the gentleman's arguments on this occasion. He informs us that the people of this country are at perfect repose; that every man enjoys the fruits of his labor peaceably and securely, and that everything is in perfect tranquillity and safety. I wish sincerely, sir, this were true. But if this be really their situation, why has every State acknowledged the contrary? Why were deputies from all the States sent to the general convention? Why have complaints of national and individual distresses been echoed and re-echoed throughout the continent? Why has our general government been so shamefully disgraced, and our Constitution violated? Wherefore have laws been made to authorize a change, and wherefore are we now assembled here? A federal government is formed for the protection of its individual members. Ours was itself attacked with impunity. Its authority has been boldly disobeyed and openly despised. I think I perceive a glaring inconsist-

ency in another of his arguments. He complains of this Constitution, because it requires the consent of at least three-fourths of the States to introduce amendments which shall be necessary for the happiness of the people. The assent of so many, he considers as too great an obstacle to the admission of salutary amendments, which he strongly insists ought to be at the will of a bare majority, and we hear this argument at the very moment we are called upon to assign reasons for proposing a Constitution which puts it in the power of nine States to abolish the present inadequate, unsafe, and pernicious confederation! In the first case, he asserts that a majority ought to have the power of altering the government, when found to be inadequate to the security of public happiness. In the last case, he affirms that even three-fourths of the community have not a right to alter a government which experience has proved to be subversive of national felicity; nay, that the most necessary and urgent alterations cannot be made without the absolute unanimity of all the States. Does not the thirteenth article of the confederation expressly require that no alteration shall be made without the unanimous consent of all the States? Can anything in theory be more perniciously improvident and injudicious than this submission of the will of the majority to the most trifling minority? Have not experience and practice actually manifested this theoretical inconvenience to be extremely impolitic? Let me mention one fact, which I conceive must carry conviction to the mind of any one—the smallest State in the Union has obstructed every attempt to reform the government; that little member has repeatedly disobeyed and counteracted the general authority; nay, has even supplied the enemies of its country with pro-

visions. Twelve States had agreed to certain improvements which were proposed, being thought absolutely necessary to preserve the existence of the general government; but as these improvements, though really indispensable, could not, by the confederation, be introduced into it without the consent of every State, the refractory dissent of that little State prevented their adoption. The inconveniences resulting from this requisition of unanimous concurrence in alterations of the confederation, must be known to every member in this convention; it is therefore needless to remind them of them. Is it not self-evident, that a trifling minority ought not to bind the majority? Would not foreign influence be exerted with facility over a small minority? Would the honorable gentleman agree to continue the most radical defects in the old system, because the petty State of Rhode Island would not agree to remove them?

He next objects to the exclusive legislation over the district where the seat of the government may be fixed. Would he submit that the representatives of this State should carry on their deliberations under the control of any one member of the Union? If any State had the power of legislation over the place where Congress should fix the general government, it would impair the dignity and hazard the safety of Congress. If the safety of the Union were under the control of any particular State, would not foreign corruption probably prevail in such a State, to induce it to exert its controlling influence over the members of the general government? Gentlemen cannot have forgotten the disgraceful insult which Congress received some years ago. And, sir, when we also reflect, that the previous cession of particular States is necessary,

before Congress can legislate exclusively anywhere, we must, instead of being alarmed at this part, heartily approve of it.

But the honorable member sees great danger in the provision concerning the militia. Now, sir, this I conceive to be an additional security to our liberties, without diminishing the power of the States in any considerable degree; it appears to me so highly expedient, that I should imagine it would have found advocates even in the warmest friends of the present system. The authority of training the militia and appointing the officers is reserved to the States. But Congress ought to have the power of establishing a uniform system of discipline throughout the States; and to provide for the execution of the laws, suppress insurrections, and repel invasions. These are the only cases wherein they can interfere with the militia; and the obvious necessity of their having power over them in these cases must flash conviction on any reflecting mind. Without uniformity of discipline, military bodies would be incapable of action; without a general controlling power to call forth the strength of the Union, for the purpose of repelling invasions, the country might be overrun and conquered by foreign enemies. Without such a power to suppress insurrections, our liberties might be destroyed by intestine faction, and domestic tyranny be established. . . .

Give me leave to say something of the nature of the government, and to show that it is perfectly safe and just to vest it with the power of taxation. There are a number of opinions; but the principal question is, whether it be a federal or a consolidated government. In order to judge properly of the question before us, we must consider it minutely, in its principal parts. I myself conceive that it

is of a mixed nature; it is, in a manner, unprecedented. We cannot find one express prototype in the experience of the world: it stands by itself. In some respects, it is a government of a federal nature; in others, it is of a consolidated nature. Even if we attend to the manner in which the Constitution is investigated, ratified, and made the act of the people of America, I can say, notwithstanding what the honorable gentleman has alleged, that this government is not completely consolidated; nor is it entirely federal. Who are the parties to it? The people—not the people as composing one great body, but the people as composing thirteen sovereignties. Were it, as the gentleman asserts, a consolidated government, the assent of a majority of the people would be sufficient for its establishment, and as a majority have adopted it already, the remaining States would be bound by the act of the majority, even if they unanimously reprobated it. Were it such a government as is suggested, it would be now binding on the people of this State, without having had the privilege of deliberating upon it; but, sir, no State is bound by it, as it is, without its own consent. Should all the States adopt it, it will be then a government established by the thirteen States of America, not through the intervention of the Legislatures, but by the people at large. In this particular respect, the distinction between the existing and proposed governments is very material. The existing system has been derived from the dependent, derivative authority of the Legislatures of the States; whereas this is derived from the superior power of the people. If we look at the manner in which alterations are to be made in it, the same idea is in some degree attended to. By the new system, a majority of the States cannot introduce amendments; nor are all the

States required for that purpose; three-fourths of them must concur in alterations; in this there is a departure from the federal idea. The members to the national House of Representatives are to be chosen by the people at large, in proportion to the numbers in the respective districts. When we come to the Senate, its members are elected by the States in their equal and political capacity; but had the government been completely consolidated, the Senate would have been chosen by the people, in their individual capacity, in the same manner as the members of the other House. Thus it is of complicated nature, and this complication, I trust, will be found to exclude the evils of absolute consolidation, as well as of a mere confederacy. If Virginia were separated from all the States, her power and authority would extend to all cases; in like manner, were all powers vested in the general government, it would be a consolidated government; but the powers of the Federal government are enumerated; it can only operate in certain cases: it has legislative powers on defined and limited objects, beyond which it cannot extend its jurisdiction.

But the honorable member has satirized, with peculiar acrimony, the power given to the general government by this Constitution. I conceive that the first question on this subject is, whether these powers be necessary; if they be, we are reduced to the dilemma of either submitting to the inconvenience, or losing the Union. Let us consider the most important of these reprobated powers; that of direct taxation is most generally objected to. With respect to the exigencies of government, there is no question but the most easy mode of providing for them will be adopted. When, therefore, direct taxes are not necessary, they will not be recurred to. It can be of little advantage to those in power

to raise money in a manner oppressive to the people. To consult the conveniences of the people will cost them nothing, and in many respects will be advantageous to them. Direct taxes will only be recurred to for great purposes. What has brought on other nations those immense debts, under the pressure of which many of them labor? Not the expenses of their governments, but war. If this country should be engaged in war (and I conceive we ought to provide for the possibility of such a case), how would it be carried on? By the usual means provided from year to year? As our imports will be necessary for the expenses of government, and other common exigencies, how are we to carry on the means of defence? How is it possible a war could be supported without money or credit? And would it be possible for government to have credit, without having the power of raising money? No, it would be impossible for any government, in such a case, to defend itself. Then, I say, sir, that it is necessary to establish funds for extraordinary exigencies, and give this power to the general government; for the utter inutility of previous requisitions on the States is too well known. Would it be possible for those countries, whose finances and revenues are carried to the highest perfection, to carry on the operations of government on great emergencies, such as the maintenance of a war, without an uncontrolled power of raising money? Has it not been necessary for Great Britain, notwithstanding the facility of the collection of her taxes, to have recourse very often to this and other extraordinary methods of procuring money? Would not her public credit have been ruined, if it was known that her power to raise money was limited? Has not France been obliged, on great occasions, to recur to unusual means, in order to raise funds?

It has been the case in many countries, and no government can exist unless its powers extend to make provisions for every contingency. If we were actually attacked by a powerful nation, and our general government had not the power of raising money, but depended solely on requisitions, our condition would be truly deplorable: if the revenues of this commonwealth were to depend on twenty distinct authorities, it would be impossible for it to carry on its operations. This must be obvious to every member here: I think, therefore, that it is necessary for the preservation of the Union that this power should be given to the general government.

But it is urged that its consolidated nature, joined to the power of direct taxation, will give it a tendency to destroy all subordinate authority; that its increasing influence will speedily enable it to absorb the State governments. I cannot bring myself to think that this will be the case. If the general government were wholly independent of the governments of the particular States, then, indeed, usurpation might be expected to the fullest extent: but, sir, on whom does this general government depend? It derives its authority from these governments, and from the same sources from which their authority is derived. The members of the Federal Government are taken from the same men from whom those of the State Legislatures are taken. If we consider the mode in which the Federal Representatives will be chosen, we shall be convinced that the general never will destroy the individual governments; and this conviction must be strengthened by an attention to the construction of the Senate. The Representatives will be chosen, probably under the influence of the State Legislatures: but there is not the least probability that the election of the latter will

be influenced by the former. One hundred and sixty members, representing this commonwealth in one branch of the Legislature, are drawn from the people at large, and must ever possess more influence than the few men who will be elected to the general Legislature. Those who wish to become Federal Representatives must depend on their credit with that class of men who will be the most popular in their counties, who generally represent the people in the State governments: they can, therefore, never succeed in any measure contrary to the wishes of those on whom they depend. So that, on the whole, it is almost certain that the deliberations of the members of the Federal House of Representatives will be directed to the interests of the people of America. As to the other branch, the Senators will be appointed by the Legislatures, and, though elected for six years, I do not conceive they will so soon forget the source whence they derive their political existence. This election of one branch of the Federal, by the State Legislatures, secures an absolute dependence of the former on the latter. The biennial exclusion of one-third will lessen the facility of a combination, and preclude all likelihood of intrigues. I appeal to our past experience, whether they will attend to the interests of their constituent States. Have not those gentlemen who have been honored with seats in Congress often signalized themselves by their attachment to their States? Sir, I pledge myself that this government will answer the expectations of its friends, and foil the apprehensions of its enemies. I am persuaded that the patriotism of the people will continue, and be a sufficient guard to their liberties, and that the tendency of the Constitution will be, that the State governments will counteract the general interest, and ultimately prevail. The

number of the Representatives is yet sufficient for our safety, and will gradually increase; and if we consider their different sources of information, the number will not appear too small.

Sir, that part of the proposed Constitution which gives the general government the power of laying and collecting taxes, is indispensable and essential to the existence of any efficient or well-organized system of government: if we consult reason, and be ruled by its dictates, we shall find its justification there: if we review the experience we have had, or contemplate the history of nations, there too we shall find ample reasons to prove its expediency. It would be preposterous to depend for necessary supplies on a body which is fully possessed of the power of withholding them. If a government depends on other governments for its revenues; if it must depend on the voluntary contributions of its members, its existence must be precarious. A government that relies on thirteen independent sovereignties for the means of its existence, is a solecism in theory, and a mere nullity in practice. Is it consistent with reason, that such a government can promote the happiness of any people? It is subversive of every principle of sound policy, to trust the safety of a community with a government totally destitute of the means of protecting itself or its members. Can Congress, after the repeated unequivocal proofs it has experienced of the utter inutility and inefficacy of requisitions, reasonably expect that they would be hereafter effectual or productive? Will not the same local interests, and other causes, militate against a compliance? Whoever hopes the contrary must forever be disappointed. The effect, sir, cannot be changed without a removal of the cause. Let each county in this commonwealth be supposed

free and independent: let your revenues depend on requisitions of proportionate quotas from them: let application be made to them repeatedly, and then ask yourself, is it to be presumed that they would comply, or that an adequate collection could be made from partial compliances? It is now difficult to collect the taxes from them: how much would that difficulty be enhanced, were you to depend solely on their generosity? I appeal to the reason of every gentleman here, and to his candor, to say whether he is not persuaded that the present confederation is as feeble as the government of Virginia would be in that case; to the same reason I appeal, whether it be compatible with prudence to continue a government of such manifest and palpable weakness and inefficiency.

INAUGURAL ADDRESS

UNWILLING to depart from examples of the most revered authority, I avail myself of the occasion, now presented, to express the profound impression made on me by the call of my country to the station to the duties of which I am about to pledge myself by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would, under any circumstances, have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel that both the honor and the responsibility allotted to me are inexpressibly enhanced.

The present situation of the world is indeed without a parallel; and that of our country full of difficulties. The pres-

sure of these two is the more severely felt because they have fallen upon us at a moment when, national prosperity being at a height not before attained, the contrast resulting from this change has been rendered the more striking. Under the benign influence of our republican institutions and the maintenance of peace with all nations, whilst so many of them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivalled growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture; in the successful enterprises of commerce; in the progress of manufactures and useful arts; in the increase of the public revenue and the use made of it in reducing the public debt; and in the valuable works and establishments everywhere multiplying over the face of our land.

It is a precious reflection that the transition from this prosperous condition of our country to the scene which has for some time been distressing us is not chargeable on any unwarrantable views, nor, as I trust, on any involuntary errors in the public councils. Indulging no passions which trespass on the rights or the repose of other nations, it has been the true glory of the United States to cultivate peace by observing justice, and to entitle themselves to the respect of the nations at war by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candor in the world the truth of these assertions will not be questioned. Posterity at least will do justice to them.

This unexceptionable course could not avail against the injustice and violence of the belligerent powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced equally contrary to universal reason and acknowledged law. How long

their arbitrary edicts will be continued in spite of the demonstrations that not even a pretext for them has been given by the United States, and of the fair and liberal attempts to induce a revocation of them, cannot be anticipated. Assuring myself that under every vicissitude the determined spirit and united councils of the nation will be safeguards to its honor and its essential interests, I repair to the post assigned me with no other discouragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction it is because I find some support in a consciousness of the purposes and a confidence in the principles which I bring with me into this arduous service.

To cherish peace and friendly intercourse with all nations having correspondent dispositions; to maintain sincere neutrality toward belligerent nations; to prefer, in all cases, amicable discussions and reasonable accommodation of differences to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries and so baneful to free ones; to foster a spirit of independence too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others; to hold the union of the States as the basis of their peace and happiness; to support the constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and to the people, as equally incorporated with and essential to the success of the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction; to preserve in their full energy the

other salutary provisions in behalf of private and personal rights and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honorable discharge of the public debts; to keep within the requisite limits a standing military force, always remembering that an armed and trained militia is the firmest bulwark of republics, that without standing armies their liberty can never be in danger, nor, with large ones, safe; to promote by authorized means improvements friendly to agriculture, to manufactures, and to external, as well as internal commerce; to favor in like manner the advancement of science and the diffusion of information as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbors from the degradation and wretchedness of savage life, to a participation of the improvements of which the human mind and manners are susceptible in a civilized state: as far as sentiments and intentions such as these can aid the fulfilment of my duty they will be a resource which cannot fail me.

It is my good fortune, moreover, to have the path in which I am to tread lighted by examples of illustrious services successfully rendered in the most trying difficulties by those who have marched before me. Of those of my immediate predecessor it might least become me here to speak; I may, however, be pardoned for not suppressing the sympathy with which my heart is full, in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents zealously devoted through a long career to the advancement of its highest interest and happiness. But the source to which I look for the aids which alone can supply my deficiencies is in the well-tried intelligence and virtue

of my fellow citizens and in the councils of those representing them in the other departments associated in the care of the national interests. In these my confidence will, under every difficulty, be best placed; next to that we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic, and to whom we are bound to address our devout gratitude for the past as well as our fervent supplications and best hopes for the future.

RED JACKET

RED JACKET, Sagoyewatha, a famous Indian chief of the Seneca tribe, was born at Old Castle, near Geneva, New York, in 1751. The name by which he is commonly known was derived from a scarlet jacket that he was fond of wearing and which had been given him by an English officer soon after the American Revolution as a prize for speed in running. After the death of Brant in 1800 Red Jacket was the most prominent man among the Six Nations. During the Revolution he fought with his tribe on the English side, but in the second war with England, in 1812, he and his tribe ranged themselves with the Americans. At a council held at Fort Stanwix in 1784 to arrange a treaty between the United States and the Six Nations he made a powerful speech against the proposition. On the conclusion of the treaty in 1792 Washington gave him a silver medal, which the chief acepted with pleasure and wore constantly until his death at Seneca Village, New York, January 30, 1830. Red Jacket's powers of oratory were extraordinary, and his manner when speaking was very dignified. In his best days he exhibited great sagacity and foresight, and as a true lover of his tribe he labored to put off as long as possible its extinction, which he foresaw. In his latest years he unfortunately became a confirmed drunkard.

SPEECH AT FORT STANWIX

[A succession of outrages upon the Indians residing along the Pennsylvania border, resulting at different times in the murder of several of their people, induced the Senecas and Tuscaroras in February, 1801, to send a deputation of their chiefs to the seat of the Federal government, which, since the last Seneca embassage, had been transferred from Philadelphia to the city of Washington. Red Jacket was at the head of this deputation, which was received formally, with an appropriate speech, by the acting secretary of war, Samuel Dexter, on the 10th of February. On the 11th Red Jacket replied, setting forth the business of his mission in the following speech:]

BROTHER,—We yesterday received your speech, which removed all uneasiness from our minds. We then told you that should it please the Great Spirit to permit us to rise in health this day you should hear what we have come to say.

Brother, the business on which we are now come is to restore the friendship that has existed between the United

States and the Six Nations, agreeably to the direction of the commissioner from the fifteen fires of the United States. He assured us that whensoever, by any grievances, the chain of friendship should become rusty, we might have it brightened by calling on you. We dispense with the usual formality of having your speech again read, as we fully comprehended it yesterday, and it would therefore be useless to waste time in a repetition of it.

Brother, yesterday you wiped the tears from our eyes, that we might see clearly; you unstopped our ears that we might hear; and removed the obstructions from our throats that we might speak distinctly. You offered to join with us in tearing up the largest pine-tree in our forests, and under it to bury the tomahawk. We gladly join with you, brother, in this work, and let us heap rocks and stones on the root of this tree that the tomahawk may never again be found.

Brother, your apology for not having wampum is sufficient, and we agree to accept of your speeches on paper, to evince our sincerity in wishing the tomahawk forever buried. We accompany a repetition of our assurances with these strings. [Strings of wampum.]

Brother, we always desire, on similar melancholy occasions, to go through our customary forms of condolence, and have been happy to find the officers of the government of the United States willing in this manner to make our minds easy.

Brother, we observe that the men now in office are new men, and, we fear, not fully informed of all that has befallen us. In 1791 a treaty was held by the commissioners of Congress with us at Tioga Point, on a similar occasion. We have lost seven of our warriors, murdered in cold blood by white men, since the conclusion of the war. We are tired of this mighty grievance and wish some general arrangement

to prevent it in future. The first of these was murdered on the banks of the Ohio, near Fort Pitt. Shortly after two men belonging to our first families were murdered at Pine Creek; then one at Fort Franklin; another at Tioga Point; and now the two that occasion this visit, on the Big Beaver. These last two had families. The one was a Seneca; the other a Tuscarora. Their families are now destitute of support, and we think that the United States should do something toward their support, as it is to the United States they owe the loss of their heads.

Brother, these offences are always committed in one place on the frontier of Pennsylvania. In the Genesee country we live happy and no one molests us. I must therefore beg that the President will exert all his influence with all officers, civil and military, in that quarter, to remedy this grievance, and trust that he will thus prevent a repetition of it and save our blood from being spilled in future. [A belt.]

Brother, let me call to mind the treaty between the United States and the Six Nations, concluded at Canandaigua. At that treaty Colonel Pickering, who was commissioner on behalf of the United States, agreed that the United States should pay to the Six Nations four thousand five hundred dollars per annum, and that this should pass through the hands of the superintendent of the United States, to be appointed for that purpose. This treaty was made in the name of the President of the United States, who was then General Washington; and, as he is now no more, perhaps the present President would wish to renew the treaty. But if he should think the old one valid and is willing to let it remain in force we are also willing. The sum above mentioned we wish to have part of in money, to expend in more agricultural tools and in purchasing a team, as we have some

horses that will do for the purpose. We also wish to build a sawmill on the Buffalo creek. If the President, however, thinks proper to have it continue as heretofore, we shall not be very uneasy. Whatever he may do we agree to; we only suggest this for his consideration. [A belt.]

Brother, I hand you the above-mentioned treaty, made by Colonel Pickering, in the name of General Washington, and the belt that accompanied it; as he is now dead we know not if it is still valid. If not, we wish it renewed — if it is, we wish it copied on clean parchment. Our money got loose in our trunk and tore it. We also show you the belt which is the path of peace between our Six Nations and the United States. [Treaty and two belts.]

Brother, a request was forwarded by us from the Onondaga Nation to the Governor of New York that he should appoint a commissioner to hold a treaty with them. They have a reservation surrounded by white men which they wish to sell. The Cayugas also have a reservation so surrounded that they have been forced to leave it, and they hope that the President's commissioner, whom they expect he will not hesitate to appoint, will be instructed to attend to this business. We also have some business with New York which we would wish him to attend to.

Brother, the business that has caused this our long journey was occasioned by some of your bad men; the expense of it has been heavy on us. We beg that as so great a breach has been made on your part, the President will judge it proper that the United States should bear our expenses to and from home and whilst here.

Brother, three horses belonging to the Tuscarora Nation were killed by some men under the command of Major Rivardi, on the plains of Niagara. They have made applica-

tion to the superintendent and to Major Rivardi, but get no redress. You make us pay for our breaches of the peace, why should you not pay also? A white man has told us the horses were killed by Major Rivardi's orders, who said they should not be permitted to come there, although it was an open common on which they were killed. Mr. Chapin has the papers respecting these horses, which we request you to take into consideration.

DEFENCE OF STIFF-ARMED GEORGE

[Some time during the year 1802, John Hewitt, a white man, was murdered at Buffalo Creek by Stiff-armed-George, an Indian, who was intoxicated at the time he committed the act. His surrender was demanded by the civil authorities of New York. This demand was resisted, the fact of drunkenness on the part of the offender being pleaded in extenuation of the crime. After several meetings between the Indians and the citizens, in which the latter had vainly attempted to persuade the former to surrender the culprit, a council of the principal chiefs of the Senecas, Cayugas, and Onondagas was convened at Canandaigua, to give the question a more solemn consideration. A conference having been arranged between the council and the principal inhabitants, Red Jacket, arguing against the surrender upon the principles already indicated, delivered the following speech, addressed particularly to the white portion of his audience:]

BROTHERS,—Open your ears and give your attention. This day is appointed by the Great Spirit to meet our friends at this place. During the many years that we have lived together in this country good will and harmony have subsisted among us.

Brothers, we have now come forward on an unhappy occasion. We cannot find words to express our feelings upon it. One of our people has murdered one of your people. So it has been ordered by the Great Spirit, who controls all events. This has been done: we cannot now help it. At first view it would seem to have the effect of putting an end to our friendship; but let us reflect and put our minds

together. Can't we point out measures whereby our peace and harmony may still be preserved? We have come forward to this place, where we have always had a superintendent and friend to receive us and to make known to him such grievances as lay upon our minds; but now we have none; and we have no guardian — no protector — no one is now authorized to receive us.

Brother, we therefore now call upon you to take our speech in writing and forward our ideas to the President of the United States.

Brothers, let us look back to our former situation. While you were under the government of Great Britain, Sir William Johnson was our superintendent, appointed by the King. He had power to settle offences of this kind among all the Indian nations without adverting to the laws. But under the British government you were uneasy — you wanted to change it for a better. General Washington went forward as your leader. From his exertions you gained your independence. Immediately afterward a treaty was made between the United States and the Six Nations, whereby a method was pointed out of redressing such an accident as the present. Several such accidents did happen where we were the sufferers. We now crave the same privilege in making restitution to you that you adopted toward us in a similar situation.

Brothers, at the close of our treaty at Philadelphia General Washington told us that we had formed a chain of friendship which was bright; he hoped it would continue so on our part; that the United States would be equally willing to brighten it, if rusted by any means. A number of murders have been committed on our people — we shall only mention the last of them. About two years ago a few of our warriors

were amusing themselves in the woods to the westward of Fort Pitt; two white men coolly and deliberately took their rifles, travelled nearly three miles to our encampment, fired upon the Indians, killed two men and wounded two children. We then were the party injured. What did we do? We flew to the treaty and thereby obtained redress perfectly satisfactory to us, and we hope agreeable to you. This was done a short time before President Adams went out of office; complete peace and harmony was restored. We now want the same method of redress to be pursued.

Brothers, how did the present accident take place? Did our warriors go from home cool and sober and commit murder on you? No. Our brother was in liquor and a quarrel ensued, in which the unhappy accident happened. We would not excuse him on account of his being in liquor; but such a thing was far from his intention in his sober moments. We are all extremely grieved at it, and are willing to come forward and have it settled as crimes of the same nature have heretofore been.

Brothers, since this accident has taken place we have been informed that by the laws of this State, if a murder is committed within it, the murderer must be tried by the laws of the State and punished with death.

Brothers, when were such laws explained to us? Did we ever make a treaty with the State of New York and agree to conform to its laws? No. We are independent of the State of New York. It was the will of the Great Spirit to create us different in color; we have different laws, habits, and customs from the white people. We shall never consent that the government of this State shall try our brother. We appeal to the government of the United States.

Brothers, under the customs and habits of our fore-

fathers we were a happy people; we had laws of our own; they were dear to us. The whites came among us and introduced their customs; they introduced liquor among us, which our forefathers always told us would prove our ruin.

Brothers, in consequence of the introduction of liquor among us numbers of our people were killed. A council was held to consider of a remedy, at which it was agreed by us that no private revenge should take place for any such murder — that it was decreed by the Great Spirit and that a council should be called to consider of redress to the friends of the deceased.

Brothers, the President of the United States is called a great man, possessing great power. He may do what he pleases—he may turn men out of office, men who held their offices long before he held his. If he can do these things can he not even control the laws of this State? Can he not appoint a commissioner to come forward to our country and settle the present difference, as we, on our part, have heretofore often done to him, upon a similar occasion?

We now call upon you, brothers, to represent these things to the President, and we trust that he will not refuse our request of sending a commissioner to us with powers to settle the present difference. The consequence of a refusal may be serious. We are determined that our brother shall not be tried by the laws of the State of New York. Their laws make no difference between a crime committed in liquor and one committed coolly and deliberately. Our laws are different, as we have before stated. If tried here our brother must be hanged. We cannot submit to that; has a murder been committed upon our people, when was it punished with death?

Brothers, we have now finished what we had to say on

the subject of the murder. We wish to address you upon another, and to have our ideas communicated to the President upon it also.

Brothers, it was understood at the treaty concluded by Colonel Pickering that our superintendent should reside in the town of Canandaigua, and for very good reasons: that situation is the most central to the Six Nations; and by subsequent treaties between the State of New York and the Indians there are still stronger reasons why he should reside here, principally on account of the annuities being stipulated to be paid to our superintendent at this place. These treaties are sacred. If their superintendent resides elsewhere the State may object to sending their money to him at a greater distance. We would therefore wish our superintendent to reside here at all events.

Brothers, with regard to the appointment of our present superintendent, we look upon ourselves as much neglected and injured. When General Chapin and Captain Chapin were appointed our wishes were consulted upon the occasion and we most cordially agreed to the appointments. Captain Chapin has been turned out, however, within these few days. We do not understand that any neglect of duty has been alleged against him. We are told it is because he differs from the President in his sentiments on government matters. He has also been perfectly satisfactory to us; and had we known of the intention we should most cordially have united in a petition to the President to continue him in office. We feel ourselves injured; we have nobody to look to, nobody to listen to our complaints, none to reconcile any differences among us. We are like a young family without a father.

Brothers, we understand that the President has appointed a superintendent who is altogether unknown to us and who

is unacquainted with Indian affairs. We know him not in our country. Had we been consulted upon the subject we might have named some one residing in this country who was well known to us. Perhaps we might have agreed upon Mr. Oliver Phelps, whose politics, coinciding with those of the President, might have recommended him to the office.

Brothers, we cannot conclude without again urging you to make known all these our sentiments to the President.[1]

REPLY TO MR. CRAM

[In the summer of 1805 a young missionary named Cram was sent into the country of the Six Nations by the Evangelical Missionary Society of Massachusetts to found a mission among the Senecas. A council of their chiefs was convoked to hear his propositions. These were made in a short speech to which the Indians listened with earnest attention. After a long consultation among themselves Red Jacket rose and spoke as follows:]

FRIEND AND BROTHER,—It was the will of the Great Spirit that we should meet together this day. He orders all things and has given us a fine day for our council. He has taken his garment from before the sun and caused it to shine with brightness upon us. Our eyes are opened that we see clearly; our ears are unstopped that we have been able to hear distinctly the words you have spoken. For all these favors we thank the Great Spirit, and him only.

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[1] The eloquent pleadings of the Indians were unavailing. They were compelled to surrender the offender to the inexorable law of the white man, though it was done with great reluctance. His name was Stiff-armed-George. He was tried and convicted at the Oyer and Terminer of Ontario county, on the 23d of February, 1803—Brockholst Livingston, one of the justices of the supreme court, presiding; but as the murder was without pre-existing malice, and was moreover attended by various mitigating circumstances, the court, the attorney-general, the grand jury that indicted him, together with many of the people of Canandaigua, united in a petition to the governor, George Clinton, for his pardon.

Brother, this council fire was kindled by you. It was at your request that we came together at this time. We have listened with attention to what you have said. You requested us to speak our minds freely. This gives us great joy; for we now consider that we stand upright before you and can speak what we think. All have heard your voice and all speak to you now as one man. Our minds are agreed.

Brother, you say you want an answer to your talk before you leave this place. It is right you should have one, as you are a great distance from home and we do not wish to detain you. But we will first look back a little and tell you what our fathers have told us and what we have heard from the white people.

Brother, listen to what we say. There was a time when our forefathers owned this great island. Their seats extended from the rising to the setting sun. The Great Spirit had made it for the use of Indians. He had created the buffalo, the deer, and other animals for food. He had made the bear and the beaver. Their skins served us for clothing. He had scattered them over the country and taught us how to take them. He had caused the earth to produce corn for bread. All this he had done for his red children because he loved them. If we had some disputes about our hunting ground they were generally settled without the shedding of much blood. But an evil day came upon us. Your forefathers crossed the great water and landed on this island. Their numbers were small. They found friends and not enemies. They told us they had fled from their own country for fear of wicked men and had come here to enjoy their religion. They asked for a small seat. We took pity on them; granted their request, and they sat

down amongst us. We gave them corn and meat; they gave us poison in return.

The white people, brother, had now found our country. Tidings were carried back and more came amongst us. Yet we did not fear them. We took them to be friends. They called us brothers. We believed them and gave them a larger seat. At length their numbers had greatly increased. They wanted more land; they wanted our country. Our eyes were opened and our minds became uneasy. Wars took place. Indians were hired to fight against Indians, and many of our people were destroyed. They also brought strong liquor amongst us. It was strong and powerful and has slain thousands.

Brother, our seats were once large and yours were small. You have now become a great people, and we have scarcely a place left to spread our blankets. You have got our country, but are not satisfied; you want to force your religion upon us.

Brother, continue to listen. You say that you are sent to instruct us how to worship the Great Spirit agreeably to his mind; and, if we do not take hold of the religion which you white people teach we shall be unhappy hereafter. You say that you are right and we are lost. How do we know this to be true? We understand that your religion is written in a book. If it was intended for us, as well as you, why has not the Great Spirit given to us, and not only to us, but why did he not give to our forefathers the knowledge of that book, with the means of understanding it rightly? We only know what you tell us about it. How shall we know when to believe, being so often deceived by the white people?

Brother, you say there is but one way to worship and

serve the Great Spirit. If there is but one religion, why do you white people differ so much about it? Why not all agreed, as you can all read the book?

Brother, we do not understand these things. We are told that your religion was given to your forefathers and has been handed down from father to son. We also have a religion, which was given to our forefathers and has been handed down to us, their children. We worship in that way. It teaches us to be thankful for all the favors we receive; to love each other and to be united. We never quarrel about religion.

Brother, the Great Spirit has made us all, but he has made a great difference between his white and red children. He has given us different complexions and different customs. To you he has given the arts. To these he has not opened our eyes. We know these things to be true. Since he has made so great a difference between us in other things, why may we not conclude that he has given us a different religion according to our understanding? The Great Spirit does right. He knows what is best for his children; we are satisfied.

Brother, we do not wish to destroy your religion or take it from you. We only want to enjoy our own.

Brother, you say you have not come to get our land or our money, but to enlighten our minds. I will now tell you that I have been at your meetings and saw you collect money from the meeting. I cannot tell what this money was intended for, but suppose that it was for your minister, and, if we should conform to your way of thinking, perhaps you may want some from us.

Brother, we are told that you have been preaching to the white people in this place. These people are our neighbors.

We are acquainted with them. We will wait a little while and see what effect your preaching has upon them. If we find it does them good, makes them honest, and less disposed to cheat Indians, we will then consider again of what you have said.

Brother, you have now heard our answer to your talk, and this is all we have to say at present. As we are going to part, we will come and take you by the hand, and hope the Great Spirit will protect you on your journey and return you safe to your friends.

MORRIS

GOUVERNEUR MORRIS, an American statesman of eminence, was born at Morrisania January 31, 1752, and died there, November 6, 1816. He was of excellent family and after his graduation at King's College, now Columbia University, studied law and was admitted to the bar in 1771. Four years after this he sat in the Provincial Congress, where he attracted attention by a report and speech upon a new method of issuing paper money, his suggestions being afterward substantially followed by the Continental Congress. Morris was among those who drafted the state constitution of New York, a member of the Continental Congress, 1777-80, and in 1781 assistant superintendent of finance. He helped to draft the federal constitution in 1787, and was United States agent in Paris and London, 1792-1794. On one occasion during the French revolution his carriage was followed in the streets of Paris by a mob calling after it "Aristocrat!" Thereupon Morris thrust his wooden leg out of the carriage window and shouted in his turn, "An aristocrat! Yes, one who lost his leg in the cause of American liberty," on hearing which the mob began to cheer. During his term of office as United States senator he eloquently opposed the abolition of the judiciary system and spoke against the discontinuance of direct taxation and in favor of the Louisiana purchase. He was an enthusiastic supporter of the New York canal system and was chairman of the canal commission from 1810 until his death. Morris was a man of boundless energy and great ability, and rendered valuable public service in the formative period of the American republic. He was accustomed to use great freedom in the expression of his opinions. In figure he so nearly resembled Washington that he stood as model for Washington to the sculptor Houdon. He was the author of "Observations on the American Revolution" (1791), and in 1888 his "Diary and Letters," edited by H. C. Morris, were issued.

SPEECH ON THE JUDICIARY

[Delivered in the Senate of the United States, on January 14, 1802, on the motion, "Resolved that the act of Congress passed on the thirteenth day of February, 1801, entitled, 'An act to provide for the more convenient organization of the courts of the United States,' ought to be repealed."]

MR. PRESIDENT,—I had fostered the hope that some gentleman who thinks with me would have taken upon himself the task of replying to the observations made yesterday and this morning in favor of the motion on your table. But since no gentleman has gone

so fully into the subject as it seems to require I am compelled to request your attention.

We were told yesterday by the honorable member from Virginia that our objections were calculated for the bystanders, and made with a view to produce effect upon the people at large. I know not for whom the charge is intended. I certainly recollect no such observations. As I was personally charged with making a play upon words, it may have been intended for me.

But surely, sir, it will be recollected that I declined that paltry game, and declared that I considered the verbal criticism which had been relied on as irrelevant. If I can recollect what I said, from recollecting well what I thought and meant to say, sure I am that I uttered nothing in the style of an appeal to the people. I hope no member of this House has so poor a sense of its dignity as to make such an appeal.

As to myself, it is now near thirty years since I was called into public office. During that period I have frequently been the servant of the people, always their friend; but at no one moment of my life their flatterer, and God forbid that I ever should be.

When the honorable gentleman considers the course we have taken he must see that the observation he has thus pointed can light on no object. I trust that it did not flow from the consciousness of his own intentions. He, I hope, had no view of this sort. If he had, he was much, very much mistaken. Had he looked round upon those who honor us with their attendance he would have seen that the splendid flashes of his wit excited no approbatory smile.

The countenances of those by whom we were surrounded presented a different spectacle. They were impressed with

the dignity of this House; they perceived in it the dignity of the American people and felt, with high and manly sentiment, their own participation.

We have been told, sir, by the honorable gentleman from Virginia, that there is no independent part of this government; that in popular governments the force of every department, as well as the government itself, must depend upon popular opinion.

The honorable member from North Carolina has informed us that there is no check for the overbearing powers of the legislature but public opinion; and he has been pleased to notice a sentiment I had uttered — a sentiment which not only fell from my lips but which flowed from my heart. It has, however, been misunderstood and misapplied. After reminding the House of the dangers to which popular governments are exposed from the influence of designing demagogues upon popular passion, I took the liberty to say that we—we the Senate of the United States—are assembled here to save the people from their most dangerous enemy, to save them from themselves; to guard them against the baneful effects of their own precipitation, their passion, their misguided zeal. It is for these purposes that all our constitutional checks are devised.

If this be not the language of the constitution, the constitution is all nonsense. For why are the senators chosen by communities and the representatives directly by the people? Why are the one chosen for a longer term than the other? Why give one branch of the legislature a negative upon the acts of the other? Why give the President a right to arrest the proceedings of both till two thirds of each should concur? Why all these multiplied precautions unless to check and control that impetuous spirit, that headlong torrent

of opinion, which has swept away every popular government that ever existed?

With the most respectful attention I heard the declaration of the gentleman from Virginia of his own sentiment. "Whatever," said he, "may be my opinion of the constitution, I hold myself bound to respect it." He disdained, sir, to profess an attachment he did not feel, and I accept his candor as a pledge for the performance of his duty. But he will admit this necessary inference from that frank confession that, although he will struggle against his inclination and support the constitution even to the last moment yet when in spite of all his efforts it shall fall, he will rejoice in its destruction.

Far different are my feelings.

It is possible that we are both prejudiced, and that in taking the ground on which we respectively stand our judgments are influenced by the sentiments which glow in our hearts. I, sir, wish to support this constitution because I love it; and I love it because I consider it as the bond of our Union; because in my soul I believe that on it depends our harmony and our peace; that without it we should soon be plunged in all the horrors of civil war; that this country would be deluged with the blood of its inhabitants and a brother's hand raised against the bosom of a brother.

After these preliminary remarks I hope I shall be indulged while I consider the subject in reference to the two points which have been taken, the expediency and the constitutionality of the repeal.

In considering the expediency I hope I shall be pardoned for asking your attention to some parts of the constitution which have not yet been dwelt upon and which tend to elucidate this part of our inquiry. I agree fully with the gentle-

man that every section, every sentence, and every word of the constitution ought to be deliberately weighed and examined; nay, I am content to go along with him and give its due value and importance to every stop and comma.

In the beginning we find a declaration of the motives which induced the American people to bind themselves by this compact. And in the foreground of that declaration we find these objects specified: "to form a more perfect Union, to establish justice, and to ensure domestic tranquillity." But how are these objects effected? The people intended to establish justice. What provision have they made to fulfill that intention? After pointing out the courts which should be established, the second section of the third article informs us,—

—"the judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof, and foreign States, citizens, or subjects.

"In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

Thus, then, we find that the judicial power shall extend to a great variety of cases, but that the Supreme Court shall

have only appellate jurisdiction in all admiralty and maritime causes, in all controversies between the United States and private citizens, between citizens of different States, between citizens of the same State claiming lands under different States, and between a citizen of the United States and foreign States, citizens, or subjects.

The honorable gentleman from Kentucky who made the motion on your table has told us that the constitution, in its judiciary provisions, contemplated only those cases which could not be tried in the State courts. But he will, I hope, pardon me when I contend that the constitution did not merely contemplate, but did by express words reserve to the national tribunals a right to decide and did secure to the citizens of America a right to demand their decision in many cases evidently cognizable in the State courts. And what are these cases? They are those in respect to which it is by the constitution presumed that the State courts would not always make a cool and calm investigation, a fair and just decision.

To form, therefore, a more perfect union and to ensure domestic tranquillity, the constitution has said there shall be courts of the Union to try causes by the wrongful decision of which the Union might be endangered or domestic tranquillity be disturbed. And what courts? Look again at the cases designated. The Supreme Court has no original jurisdiction. The constitution has said that the judicial powers shall be vested in the Supreme and inferior courts. It has declared that the judicial power so vested shall extend to the cases mentioned, and that the Supreme Court shall not have original jurisdiction in those cases.

Evidently, therefore, it has declared that they shall, in the first instance, be tried by inferior courts, with appeal to the

Supreme Court. This therefore amounts to a declaration that the inferior courts shall exist; since without them the citizen is deprived of those rights for which he stipulated, or, rather, those rights verbally granted would be actually withheld; and that great security of our Union, that necessary guard of our tranquillity, be completely paralyzed if not destroyed.

In declaring, then, that these tribunals shall exist, it equally declares that the Congress shall ordain and establish them. I say they shall; this is the evident intention if not the express words of the constitution. The convention in framing, the American people in adopting that compact, did not, could not, presume that the Congress would omit to do what they were thus bound to do. They could not presume that the legislature would hesitate one moment in establishing the organs necessary to carry into effect those wholesome, those important provisions.

The honorable member from Virginia has given us a history of the judicial system, and in the course of it has told us that the judges of the Supreme Court knew, when they accepted their offices, the duties they had to perform and the salaries they were to receive. He thence infers that if again called on to do the same duties they have no right to complain.

Agreed — but that is not the question between us. Admitting that they have made a hard bargain and that we may hold them to a strict performance, is it wise to exact their compliance to the injury of our constituents? We are urged to go back to the old system; but let us first examine the effects of that system. The judges of the Supreme Court rode the circuits, and two of them, with the assistance of a district judge, held circuit courts and tried causes. As a

Supreme Court they have in most cases only an appellate jurisdiction. In the first instance, therefore, they tried a cause sitting as an inferior court, and then on appeal tried it over again as a supreme court. Thus, then, the appeal was from the sentence of the judges to the judges themselves. But say, that to avoid this impropriety, you will incapacitate the two judges who sat on the circuit from sitting in the Supreme Court to review their own decrees. Strike them off; and suppose either the same or a contrary decision to have been made on another circuit by two of their brethren in a similar case, for the same reason you strike them off and then you have no court left. Is this wise? Is it safe? You place yourselves in the situation where your citizens must be deprived of the advantage given to them of a court of appeals, or else run the greatest risk that the decision of the first court will carry with it that of the other.

The same honorable member has given us a history of the law passed the last session, which he wishes now to repeal. That history is accurate, at least in one important part of it. I believe that all amendments were rejected, pertinaciously rejected; and I acknowledge that I joined heartily in that rejection. It was for the clearest reason on earth. We all perfectly understood that to amend the bill was to destroy it; that if ever it got back to the other House it would perish. Those, therefore, who approved of the general provisions of that bill were determined to adopt it. We sought the practicable good, and would not, in pursuit of unattainable perfection, sacrifice that good to the pride of opinion. We took the bill, therefore, with its imperfections, convinced that when it was once passed into a law it might be easily amended.

We are now told that this procedure was improper; nay,

that it was indecent; that public opinion had declared itself against us; that a majority, holding different opinions, was already chosen to the other House, and that a similar majority was expected for that in which we sit. Mr. President, are we then to understand that opposition to the majority in the two Houses of Congress is improper, is indecent?

If so, what are we to think of those gentlemen who, not only with proper and decent but with laudable motives, for such is their claim, so long, so perseveringly, so pertinaciously opposed that voice of the people which had so repeatedly and for so many years declared itself against them through the organ of their representatives? Was this indecent in them? If not, how could it be improper for us to seize the only moment which was left for the then majority to do what they deemed a necessary act? Let me again refer to those imperious demands of the constitution which called on us to establish inferior courts. Let me remind gentlemen of their assertion on this floor that centuries might elapse before any judicial system could be established with general consent. And then let me ask, being thus impressed with the sense of the duty and the difficulty of performing that arduous task, was it not wise to seize the auspicious moment?

Among the many stigmas affixed to this law we have been told that the President, in selecting men to fill the offices which it created, made vacancies and filled them from the floor of this House; and that but for the influence of this circumstance a majority in favor of it could not have been found. Let us examine this suggestion. It is grounded on a supposition of corrupt influence, derived from a hope founded on two remote and successive contingencies.

First, the vacancy might or might not exist; for it

depended as well on the acceptance of another as on the President's grant; and, secondly, the President might or might not fill it with a member of this House.

Yet on this vague conjecture, on this unstable ground, it is inferred that men in high confidence violated their duty. It is hard to determine the influence of self-interest on the heart of man. I shall not, therefore, make the attempt. In the present case it is possible that the imputation may be just, but I hope not, I believe not. At any rate gentlemen will agree with me that the calculation is uncertain and the conjecture vague.

But let it now for argument's sake be admitted, saving always the reputation of honorable men who are not here to defend themselves — let it, I say, for argument's sake be admitted that the gentlemen alluded to acted under the influence of improper motives. What then? Is a law that has received the varied assent required by the constitution and is clothed with all the needful formalities thereby invalidated? Can you impair its force by impeaching the motives of any member who voted for it?

Does it follow that a law is bad because all those who concurred in it cannot give good reasons for their votes? Is it not before us? Must we not judge of it by its intrinsic merit? Is it a fair argument, addressed to our understanding, to say we must repeal a law, even a good one, if the enacting of it may have been effected in any degree by improper motives? Or is the judgment of this House so feeble that it may not be trusted?

Gentlemen tell us, however, that the law is materially defective, nay, that it is unconstitutional. What follows? Gentlemen bid us repeal it. But is this just reasoning? If the law be only defective, why not amend? And if uncon-

stitutional, why repeal? In this case no repeal can be necessary; the law is in itself void; it is a mere dead letter. . . .

We are told that we may violate our constitution because similar constitutions have been violated elsewhere. Two States have been cited to that effect, Maryland and Virginia. The honorable gentleman from Virginia tells us that when this happened in the State he belongs to no complaint was made by the judges. I will not inquire into that fact, although I have the protest of the judges now lying before me: judges eminent for their talents, renowned for their learning, respectable for their virtue. I will not inquire what constitutions have been violated. I will not ask either when or where this dangerous practice began or has been followed; I will admit the fact. What does it prove? Does it prove that because they have violated we also may violate? Does it not prove directly the contrary? Is it not the strongest reason on earth for preserving the independence of our tribunals? If it be true that they have with strong hand seized their courts and bent them to their will, ought we not to give suitors a fair chance for justice in our courts, or must the suffering citizen be deprived of all protection?

The gentleman from Virginia has called our attention to certain cases which he considers as forming necessary exceptions to the principles for which we contend. Permit me to say that necessity is a hard law and frequently proves too much, and let the gentleman recollect that arguments which prove too much prove nothing. He has instanced a case where it may be proper to appoint commissioners, for a limited time, to settle some particular description of controversies. Undoubtedly it is always in the power of Congress to form a board of commissioners for particular purposes.

He asks, are these inferior courts, and must they also exist forever? I answer that the nature of their offices must depend on the law by which they are created; if called to exercise the judicial functions designated by the constitution they must have an existence conformable to its injunctions.

Again, he has instanced the Mississippi Territory, claimed by and which may be surrendered to the State of Georgia, and a part of the Union which may be conquered by a foreign enemy. And he asks, triumphantly, are our inferior courts to remain after our jurisdiction is gone? This case rests upon a principle so simple that I am surprised the honorable member did not perceive the answer in the very moment when he made the objection. Is it by our act that a country is taken from us by a foreign enemy? Is it by our consent that our jurisdiction is lost? I had the honor, in speaking the other day, expressly and for the most obvious reasons to except the case of conquest. As well might we contend for the government of a town swallowed up by an earthquake.

[Mr. Mason explained: he had supposed the case of territory conquered, and afterwards ceded to the conqueror, or some other territory ceded in lieu of it.]

The case is precisely the same; until after the peace the conquest is not complete. Everybody knows that until the cession by treaty the original owner has the postliminar right to a territory taken from him. Beyond all question, where Congress is compelled to cede the territory, the judges can no longer exist unless the new sovereign confer the office. Over such territory the authority of the constitution ceases and of course the rights which it confers.

It is said the judicial institution is intended for the benefit

of the people and not of the judge; and it is complained of that in speaking of the office we say it is his office. Undoubtedly the institution is for the benefit of the people. But the question remains, how will it be rendered most beneficial? Is it by making the judge independent,—by making it his office; or is it by placing him in a state of abject dependence, so that the office shall be his to-day and belong to another to-morrow? Let the gentleman hear the words of the constitution: it speaks of their offices; consequently, as applied to a single judge, of his office, to be exercised by him for the benefit of the people of America, to which exercise his independence is as necessary as his office.

The gentleman from Virginia has on this occasion likened the judge to a bridge and to various other objects; but I hope for his pardon if, while I admire the lofty flights of his eloquence, I abstain from noticing observations which I conceive to be utterly irrelevant.

The same honorable member has not only given us his history of the Supreme Court, but has told us of the manner in which they do business, and expressed his fears that, having little else to do, they would do mischief. We are not competent, sir, to examine, nor ought we to prejudge their conduct. I am persuaded they will do their duty, and presume they will have the decency to believe that we do our duty. In so far as they may be busied with the great mischief of checking the legislative or executive departments in any wanton invasion of our rights I shall rejoice in that mischief. I hope, indeed, they will not be so busied, because I hope we shall give them no cause. But I also hope they will keep an eagle eye upon us lest we should. It was partly for this purpose they were established, and I trust that when properly called on they will dare to act. I know this

doctrine is unpleasant; I know it is more popular to appeal to public opinion: that equivocal transient being which exists nowhere and everywhere. But if ever the occasion calls for it I trust that the Supreme Court will not neglect doing the great mischief of saving this constitution, which can be done much better by their deliberations than by resorting to what are called revolutionary measures.

The honorable member from North Carolina, sore pressed by the delicate situation in which he is placed, thinks he has discovered a new argument in favor of the vote which he is instructed to give. As far as I can enter into his ideas and trace their progress he seems to have assumed the position which was to be proved, and then searched through the constitution, not to discover whether the legislature have the right contended for, but whether, admitting them to possess it, there may not be something which might not comport with that idea. I shall state the honorable member's argument as I understand it, and, if mistaken, pray to be corrected. He read to us that clause which relates to impeachment, and comparing it with that which fixes the tenure of judicial office, observed that this clause must relate solely to a removal by the executive power, whose right to remove, though not indeed anywhere mentioned in the constitution, has been admitted in a practice founded on legislative construction.

That, as the tenure of the office is during good behavior, and, as the clause respecting impeachment does not specify misbehavior, there is evidently a cause of removal which cannot be reached by impeachment, and of course, the executive not being permitted to remove, the right must necessarily devolve on the legislature. Is this the honorable member's argument? If it be, the reply is very simple.

Misbehavior is not a term known in our law; the idea is expressed by the word "misdemeanor;" which word is in the clause quoted respecting impeachments. Taking, therefore, the two together, and speaking plain old English, the constitution says:

"The judges shall hold their offices so long as they shall demean themselves well; but if they shall misdemean, if they shall, on impeachment, be convicted of misdemeanor, they shall be removed."

Thus, sir, the honorable member will find that the one clause is just as broad as the other. He will see, therefore, that the legislature can assume no right from the deficiency of either, and will find that this clause, which he relied on, goes, if rightly understood, to the confirmation of our doctrine.

Is there a member of this House who can lay his hand on his heart and say that consistently with the plain words of our constitution we have a right to repeal this law? I believe not. And if we undertake to construe this constitution to our purposes and say that public opinion is to be our judge, there is an end to all constitutions. To what will not this dangerous doctrine lead? Should it to-day be the popular wish to destroy the first magistrate, you can destroy him; and should he to-morrow be able to conciliate to himself the will of the people and lead them to wish for your destruction, it is easily effected. Adopt this principle, and the whim of the moment will not only be the law but the constitution of our country.

The gentleman from Virginia has mentioned a great nation brought to the feet of one of her servants. But why is she in that situation? Is it not because popular opinion was called on to decide everything until those who wore bayonets decided for all the rest? Our situation is peculiar.

At present our national compact can prevent a State from acting hostilely towards the general interest. But let this compact be destroyed, and each State becomes instantaneously vested with absolute sovereignty. Is there no instance of a similar situation to be found in history? Look at the States of Greece. They were once in a condition not unlike to that in which we should then stand. They treated the recommendations of their Amphictyonic council, which was more a meeting of ambassadors than a legislative assembly, as we did the resolutions of the old Congress. Are we wise? So were they. Are we valiant? They also were brave. Have we one common language and are we united under one head? In this also there was a strong resemblance. But by their divisions they became at first victims to the ambition of Philip, and were at length swallowed up in the Roman Empire. Are we to form an exception to the general principles of human nature and to all the examples of history? And are the maxims of experience to become false when applied to our fate?

Some, indeed, flatter themselves that our destiny will be like that of Rome. Such indeed it might be, if we had the same wise but vile aristocracy under whose guidance they became the masters of the world. But we have not that strong aristocratic arm which can seize a wretched citizen, scourged almost to death by a remorseless creditor, turn him into the ranks, and bid him, as a soldier, bear our eagle in triumph round the globe! I hope to God we shall never have such an abominable institution. But what, I ask, will be the situation of these States, organized as they now are, if by the dissolution of our national compact they be left to themselves? What is the probable result? We shall either be the victims of foreign intrigue and split into

factions, fall under the domination of a foreign power, or else, after the misery and torment of civil war, become the subjects of a usurping military despot. What but this compact, what but this specific part of it, can save us from ruin?

The judicial power, that fortress of the constitution, is now to be overturned. Yes, with honest Ajax, I would not only throw a shield before it, I would build around it a wall of brass. But I am too weak to defend the rampart against the host of assailants. I must call to my assistance their good sense, their patriotism and their virtue. Do not, gentlemen, suffer the rage of passion to drive reason from her seat. If this law be indeed bad, let us join to remedy the defects. Has it been passed in a manner which wounded your pride or roused your resentment? Have, I conjure you, the magnanimity to pardon that offence. I entreat, I implore you, to sacrifice those angry passions to the interests of our country. Pour out this pride of opinion on the altar of patriotism. Let it be an expiatory libation for the weal of America. Do not, for God's sake, do not suffer that pride to plunge us all into the abyss of ruin.

Indeed, indeed, it will be but of little, very little avail, whether one opinion or the other be right or wrong; it will heal no wounds, it will pay no debts, it will rebuild no ravaged towns. Do not rely on that popular will which has brought us frail beings into political existence. That opinion is but a changeable thing. It will soon change. This very measure will change it. You will be deceived. Do not, I beseech you, in reliance on a foundation so frail, commit the dignity, the harmony, the existence of our nation to the wild wind. Trust not your treasure to the waves. Throw not your compass and your charts into the ocean.

Do not believe that its billows will waft you into port. Indeed, indeed, you will be deceived. Cast not away this only anchor of our safety. I have seen its progress. I know the difficulties through which it was obtained: I stand in the presence of Almighty God and of the world; and I declare to you that if you lose this charter, never! no, never will you get another! We are now perhaps arrived at the parting point. Here, even here, we stand on the brink of fate. Pause — pause — for heaven's sake, pause!!

END OF VOLUME SEVEN.

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